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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Tenth Year of the Reign of His Majesty
KING GEORGE VI

Being the Second Session of the Twenty-Second
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE FOURTH DAY OF
MARCH IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FORTY-SIX



ONTARIO



451677
17-9-46

HIS HONOUR ALBERT MATTHEWS, LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by T. E. Bowman, Printer to the King's Most Excellent Majesty
1946

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PART I
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Chapters 1 to 111



ONTARIO

10 GEORGE VI

CHAPTER 1.

An Act respecting the Academy of Medicine, Toronto.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Assessment Act*, the property of the Academy of Medicine, Toronto, shall be exempt from taxation, except for local improvements, so long as the property is owned and occupied by and used for the purposes of the Academy. Exemption from taxation. Rev. Stat., c. 272.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act; retrospective effect.

3. This Act may be cited as *The Academy of Medicine, Toronto Act, 1946*. Short title.

CHAPTER 2.

An Act to amend The Apprenticeship Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Apprenticeship Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 192, s. 1,
amended.

(ff) "Probationary period" shall mean the time during which a person eligible to be an apprentice in a designated trade is by section 7 permitted to be employed in the trade other than under a contract of apprenticeship. "Probationary period".

(2) Clause g of the said section 1 is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second lines, so that the said clause shall now read as follows: Rev. Stat.,
c. 192, s. 1,
cl. g,
amended.

(g) "Regulations" shall mean regulations made under the authority of this Act. "Regulations".

2. Section 7 of *The Apprenticeship Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 192, s. 7,
re-enacted.

7. No person who is eligible to be an apprentice in any designated trade and has not completed the period of apprenticeship prescribed for him shall be employed in such trade for a period or periods totalling more than three months except under a contract of apprenticeship, provided that the Director may in writing authorize the further employment of any such person for a period not exceeding one month by any employer by whom he has not been previously employed. Apprentices to be under contract.

3. Subsection 1 of section 8 of *The Apprenticeship Act* is amended by striking out the words "shall be in the form prescribed by the Board and" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 192, s. 8,
subs. 1,
amended.

Approval
and regis-
tration of
contracts.

- (1) Every contract of apprenticeship shall be approved by the Board and shall be registered with the Board.

Rev. Stat.,
c. 192, s. 15,
subs. 1,
re-enacted.

4.—(1) Subsection 1 of section 15 of *The Apprenticeship Act* as amended by section 4 of *The Statute Law Amendment Act, 1943*, and section 2 of *The Apprenticeship Amendment Act, 1944*, is repealed and the following substituted therefor:

Regulations.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended and the course of training to be given;
- (b) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer and such other forms as may be required;
- (c) providing for the registration of contracts of apprenticeship, assignments of contracts and notices of transfer of contracts;
- (d) prescribing the hours of labour and rates of wages for apprentices;
- (e) providing for the issuance of certificates of apprenticeship to every apprentice who serves the prescribed term of apprenticeship and completes the school training to the satisfaction of the Board, and for the issuance of duplicate certificates of apprenticeship;
- (f) providing for examinations for certificates of qualification, for the issuance, annually or otherwise, of certificates of qualification, for their cancellation, suspension and renewal, and for the issuance of duplicate certificates;
- (g) requiring all persons engaged in any designated trade, other than registered apprentices and persons employed during a probationary period, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement;
- (h) providing for the issuance without examination of certificates of qualification, upon payment of the prescribed fee, to holders of certificates of apprenticeship;

- (i) prescribing the terms and conditions upon which certificates of qualification may be issued to persons engaged in a designated trade;
- (j) providing for the registration of employers and self-employed persons engaged in a designated trade;
- (k) prescribing the form of certificates of qualification, applications for certificates of qualification and renewals thereof, registration of employers and self-employed persons engaged in a designated trade, and such other forms as may be required;
- (l) prescribing and requiring the payment of a fee for,
 - (i) examination for certificates of qualification,
 - (ii) the issuance of certificates of qualification and renewals thereof,
 - (iii) duplicate certificates of qualification,
 - (iv) duplicate certificates of apprenticeship,
 - (v) registration of employers and self-employed persons, and
 - (vi) licenses for trade-schools;
- (m) prescribing the purposes for which the moneys collected in registration fees may be used;
- (n) requiring the holder of a certificate of qualification to keep it posted conspicuously in the shop where he is engaged in a designated trade, or, where not possible, to carry it upon his person;
- (o) prescribing the terms and conditions upon which a license may be issued to a trade-school and generally prescribing the method of training to be followed in the schools and the manner in which the schools are to be operated, and for the cancellation, suspension and renewal of such licenses;

- (p) fixing the rate of assessment of employers and employees in each designated trade and governing the manner of making the assessment;
- (q) prescribing the constitution, powers and duties of provincial advisory committees and local apprenticeship committees and the qualifications of the members thereof;
- (r) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;
- (s) providing for the books, records and forms to be used and the returns to be made by such committees;
- (t) prescribing the classes of persons in any designated trade, to whom this Act and the regulations shall apply; and
- (u) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 192, s. 15,
amended.

(2) The said section 15 as amended by section 4 of *The Statute Law Amendment Act, 1943*, and section 2 of *The Apprenticeship Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Exemption.

- (3) A regulation passed under clause g of subsection 1 shall not apply to a person who within two years of the coming into force of the regulation satisfies the provincial advisory committee that at the date of the coming into force of such regulation he had been engaged in the trade for a period equal to the apprenticeship period.

Rev. Stat.,
c. 192,
amended.

5. *The Apprenticeship Act* is amended by adding thereto the following section:

Members of
the forces.

- 23. Where a member has served as a member of any of the forces of His Majesty or any ally thereof, and is undertaking a course of training under a plan of rehabilitation approved by the Board, the Board may exempt such person from the operation of such provisions of this Act and the regulations as may be deemed necessary.

Short title.

6. This Act may be cited as *The Apprenticeship Amendment Act, 1946*.

CHAPTER 3.

An Act to amend The Assessment Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 1 of section 4 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 4,
para. 1,
re-enacted.

1. Lands or property belonging to Canada or any Province.

Lands of
Canada, etc.

1a. Property held in trust for a tribe or body of Indians, but not if occupied by a person who is not a member of a tribe or body of Indians.

Indian
lands.

(2) Paragraph 9 of the said section 4 is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 4,
para. 9,
re-enacted.

9. Property used exclusively for the purposes of The Boy Scouts Association or The Canadian Girl Guides Association.

Boy Scouts,
Girl Guides.

(3) Paragraph 10 of the said section 4 is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 4,
para. 10,
re-enacted.

10. Every industrial farm, house of industry, house of refuge, institution for the reformation of offenders or for the care of children, boys' and girls' home, or other similar institution conducted on philanthropic principles and not for the purpose of profit or gain, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Industrial
farms, etc.

10a. Land of an incorporated charitable institution organized for the relief of the poor, The Canadian Red Cross Society, St. John's Ambulance Association, or any similar incorporated institution conducted on philanthropic principles and not for the purpose of profit or gain, that is supported, in part at least, by

Charitable
institutions.

public funds, but only when the land is owned by the institution and occupied and used for the purposes of the institution.

Rev. Stat.,
c. 272, s. 4,
para. 22,
amended.

(4) The first four lines of paragraph 22 of the said section 4 are repealed and the following substituted therefor:

Woodlands.

22. One acre in ten acres of the total acreage of all farm lands in one municipality under a single ownership used for forestry purposes or being woodlands but not more than twenty acres in all, and when the total acreage consists of more than one separately assessed parcel, the assessor shall apply the exemption to each parcel in the ratio of the land used for forestry purposes or being woodlands in each parcel to the total acreage of the land so used. *

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. d,
amended.

2.—(1) Clause *d* of subsection 1 of section 8 of *The Assessment Act* is amended by striking out the word "to" in the second line and inserting in lieu thereof the word "through", so that the said clause shall now read as follows:

(d) Every person carrying on the business of selling or distributing goods, wares and merchandise through a chain of more than five retail stores or shops in Ontario, directly or indirectly, owned, controlled or operated by him, for a sum equal to seventy-five per centum of the assessed value of the land occupied or used by him in such business for a distribution premises, storage or warehouse for such goods, wares and merchandise, or for an office used in connection with the said business.

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. g,
amended.

(2) Clause *g* of subsection 1 of the said section 8 is amended by inserting after the word "contractor" in the fifth and sixth lines the word "builder", so that the said clause shall now read as follows:

(g) Every person practising or carrying on business as a barrister, solicitor, notary public, conveyancer, physician, surgeon, oculist, aurist, medical electrician, dentist, veterinarian, civil, mining, consulting, mechanical or electrical engineer, surveyor, contractor, builder, advertising agent, private detective, employment agent, accountant, assignee, auditor, osteopath, chiropractor, massagist, architect and, subject to subsection 8, every person carrying on a financial or commercial business or any other business as agent, for a sum equal to fifty per centum of the said assessed value; but where a person belonging to any class mentioned in this clause occupies or uses land

partly for the purposes of his business and partly as a residence thirty per centum of the assessed value of the land occupied or used by him shall for the purpose of the business assessment be taken to be the full assessed value of the land so occupied or used.

(3) Clause 1 of subsection 1 of the said section 8 is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 8,
subs. 1, cl. 1,
re-enacted.

- (1) Every person carrying on the business of a telegraph or telephone company, or of a transportation system, other than a transportation system owned or operated by or for a municipal corporation, or of the transmission of oil or water, or of steam, heat, gas, or electricity for the purposes of light, heat, or power, for a sum equal to twenty-five per centum of the assessed value of the land (not being a highway, lane, or other public communication or public place or water or private right-of-way), occupied or used by such person, exclusive of the value of any machinery, plant or appliances erected or placed upon, in, over, under or affixed to such land.

3. *The Assessment Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 272,
amended.

- 13a.—(1) Where in a township the density of population is not less than 150 of population to 500 acres, the council thereof may, subject to the approval of the Department, by by-law define such areas and declare the same to be police villages for the purposes of section 12, and each year thereafter so long as the by-law remains in force every telephone and telegraph company carrying on business in the areas shall be assessed therein on a gross receipts basis in the manner provided in section 12, except that in such case the company shall be assessed for forty-five per centum of the amount of the gross receipts from all equipment belonging to the company located within the areas.

Power of
township
to assess
on basis of
gross
receipts.

- (2) Every by-law passed under subsection 1 shall have attached thereto a map showing clearly the boundaries of the areas.

Map of
areas to be
attached.

- (3) A by-law passed under subsection 1 shall come into force and effect on the 1st day of January in the year following the year in which it was approved by the Department.

Commence-
ment of
by-law.

Duty of
clerk.

- (4) Upon the passing, amending or repealing of a by-law under subsection 1, the clerk shall forthwith transmit a copy thereof to the Provincial Secretary and to every telephone and telegraph company carrying on business in the areas defined in the by-law.

Return by
companies.

- (5) Every telephone and telegraph company doing business in a township in which a by-law under this section is in force shall on or before the 1st day of March in each year transmit to the Provincial Secretary and to the clerk of the township a statement in writing signed by or on behalf of the company and verified in the manner prescribed in subsection 2 of section 13 showing the amount of the gross receipts of the company in the areas defined in the by-law for the year ending on the 31st day of December then last past.

Rev. Stat.,
c. 272,
amended.

4. *The Assessment Act* is amended by adding thereto the following section:

Depart-
mental
rules.

- 23a. The Minister may, subject to the approval of the Lieutenant-Governor in Council, by regulation prescribe rules and the class of municipality to which the rules shall apply for the guidance of assessors and every assessor affected thereby shall conduct himself in accordance therewith.

Rev. Stat.,
c. 272, s. 35,
re-enacted.

5. Section 35 of *The Assessment Act* is repealed and the following substituted therefor:

Land.—
where to be
assessed.

35. Except as otherwise provided, land shall be assessed in the municipality in which it lies, and in the case of a municipality divided into wards, in the ward in which it lies.

Rev. Stat.,
c. 272, s. 38,
re-enacted.

6. Section 38 of *The Assessment Act* is repealed and the following substituted therefor:

Assessment
of Crown
lands.

- 38.—(1) The tenant of land owned by the Crown where rent or any valuable consideration is paid in respect of such land and the owner of land in which the Crown has an interest and the tenant of such land where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or the interest of the Crown was held by any other person.

- (2) The tenant of land held in trust for a tribe or body of Indians who is not a member of such tribe or body where rent or any valuable consideration is paid in respect of such land shall be assessed in respect of the land in the same way as if the land was owned or held by any other person. Assessment of Indian lands.

- (3) In addition to the liability of every person assessed under subsection 1 or 2 to pay the taxes assessed against the land, the interest in such land, if any, of every person other than the Crown and the tribe or body of Indians for which it is held in trust or any member thereof, shall be subject to the lien given by section 99 and shall be liable to be sold or vested in the municipality for arrears of taxes. Tenants interests may be sold.

7.—(1) Subsections 2 and 3 of section 39 of *The Assessment Act* are repealed and the following substituted therefor: Rev. Stat., c. 272, s. 39, subss. 2, 3, re-enacted.

- (2) In ascertaining the actual value of land without buildings thereon consideration shall be given to the present use, location, revenue, normal sale value and any other circumstance affecting the value. Land without buildings.

- (3) In assessing land having buildings thereon the value of the land and buildings shall be ascertained by giving consideration to present use, location, cost of replacement, normal rental value, normal sale value, and any other circumstance affecting the value, and the value of the buildings shall be the amount by which the value of the land is thereby increased, and the actual value of the land and the buildings so ascertained shall be set down separately in the columns of the assessment roll, and the assessment shall be the sum of such values. Land with buildings.

- (2) Subsection 5 of the said section 39 is repealed.

Rev. Stat., c. 272, s. 39, subss. 5, repealed.

- (3) This section shall have effect on and after the 1st day of January, 1947. Prospective effect.

8. Section 52 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 52, re-enacted.

- 52.—(1) The assessor or his assistant shall prior to the completion of the assessment roll for the municipality or ward, as the case may be, deliver in the manner hereinafter provided to every person named therein, except persons entered on the roll under section 27, a notice (Form 4) of the sum or sums for Notice of assessment.

which such person has been assessed and such other particulars as are mentioned in the Form, and shall enter in the roll opposite the name of the person the date of delivery of such notice and the entry shall be *prima facie* evidence of such delivery.

Delivery
of notice,—
residents.

- (2) When the person assessed is resident in the municipality, the notice shall be delivered by leaving the same at his residence or place of business or by mailing the same addressed to him at his residence or place of business.

Non-
residents.

- (3) When the person assessed is not resident in the municipality, the notice shall be delivered by mailing the same addressed to him at his last known address.

Registered
mail.

- (4) When a person assessed furnishes the assessor with a notice in writing giving the address to which the notice of assessment may be delivered to him and requesting that the notice be delivered to such address by registered mail, the notice of assessment shall be so delivered and such notice shall stand until revoked in writing.

Rev. Stat.,
c. 272, s. 53,
repealed.

9. Section 53 of *The Assessment Act* and the heading immediately preceding the said section are repealed.

Rev. Stat.,
c. 272, s. 55,
amended.

10. Section 55 of *The Assessment Act* is amended by striking out the words "In cities" at the commencement thereof, so that the said section shall now read as follows:

Amendment
of ward
roll after
completion.

55. Where the assessment is made by wards, in case any person removes from a ward before having been assessed therein into a ward for which the assessment roll has been completed, the assessor for the last mentioned ward may at any time before the 30th day of September amend the roll by entering therein the assessment of such person, and shall forthwith give to him the notice of assessment provided for by section 52, and the person so assessed shall be entitled to appeal to the county judge from the assessment within ten days from the time of giving such notice.

Rev. Stat.,
c. 272, s. 57,
subs. 1,
amended.

11.—(1) Subsection 1 of section 57 of *The Assessment Act* is amended by inserting after the word "assessed" in the third line the words "in whole or in part" and by striking out the word "next" in the seventh line, so that the said subsection shall now read as follows:

Where land
not assessed.

- (1) If at any time it appears to any treasurer or other officer of the municipality that land liable to assess-

ment has not been assessed in whole or in part for the current year or for either or both of the next two preceding years, he shall report the same to the clerk of the municipality, or if the omission to assess comes to the knowledge of the clerk of the municipality in any other manner, he shall enter such land on the collector's roll, or roll for non-residents, as the case may require, as well for the arrears of the preceding year or years, if any, as for the tax of the current year, and the valuation of the land shall be the average of the three previous years, if assessed for the said three years, but if not so assessed, the clerk shall require the assessor for the current year to value the land, and it shall be the duty of the assessor to do so when required, and to certify the valuation, in writing, to the clerk.

(2) Subsection 3 of the said section 57 is amended by inserting after the word "person" in the fifth line the words "or any person assessed" and by striking out all the words after the word "revision" in the sixth line, so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 57, subs. 3, amended.

(3) Where the clerk performs any of the duties required by this section he shall forthwith thereafter deliver to or send by registered letter post to the person so taxed a notice setting out the amount of the assessment and of the taxes entered on the roll, and such person or any person assessed shall have the right to appeal within ten days thereafter to the court of revision. Notice to person taxed; right of appeal.

(3) This section shall be deemed to have had effect on and after the 1st day of January, 1946. Retroactive effect.

12.—(1) Subsection 5 of section 57a of *The Assessment Act*, as enacted by section 7 of *The Assessment Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 57a, subs. 5 (1944, c. 7, s. 7), re-enacted.

(5) Where taxes are levied under this section, the amount thereof shall be distributed among the bodies that would have received the same had such taxes been levied in the usual way, in the same proportion as the levy of each of such bodies bears to the total levy, and in making such distribution each of such bodies shall suffer proportionately for any deficiency caused by the abatement of or inability to collect such taxes. Distribution.

(6) The treasurer making the distribution required by subsection 5 shall at the same time deliver to each of the bodies to which the distribution is made a state- Treasurer's statement.

ment sufficient to enable such bodies to determine the correctness of the distribution.

Retroactive effect.

(2) This section shall be deemed to have had effect on and after the 1st day of January, 1946.

Rev. Stat., c. 272, s. 59, subs. 1, re-enacted.

13.—(1) Subsection 1 of section 59 of *The Assessment Act* is repealed and the following substituted therefor:

Time for taking the assessment and revising the roll.

(1) In every municipality the assessment shall be taken between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk on the 1st day of October and the time for closing the court of revision shall be the 15th day of November and for the final return by the county judge, the 15th day of December and the assessment so made shall be the assessment on which the rate of taxation for the following year shall be fixed and levied.

Rev. Stat., c. 272, s. 59, subs. 3, repealed.

(2) Subsection 3 of the said section 59 is repealed.

Application.

(3) Any municipality that made an assessment and levied taxes thereon in 1946 may instead of making a second assessment in 1946, pass a by-law not later than the 31st day of March, 1947, adopting for 1947 the assessment roll made and revised in 1946, and such roll shall be subject to revision in the manner provided in subsection 1 of section 59 of *The Assessment Act*, as re-enacted by subsection 1 of this section, and shall have the same effect as if made under such subsection.

Rev. Stat., c. 272, s. 60, subs. 1, re-enacted.

14.—(1) Subsection 1 of section 60 of *The Assessment Act* is repealed and the following substituted therefor:

Taking assessment by wards.

(1) The council of a municipality may by by-law fix prior and separate dates for the return of the roll of each ward, or each subdivision of a ward, as defined in the by-law.

Rev. Stat., c. 272, s. 60, subs. 6, amended.

(2) Subsection 6 of the said section 60 is amended by striking out the word "city" in the first line and inserting in lieu thereof the word "municipality".

Rev. Stat., c. 272, ss. 62 and 63, re-enacted.

15. Sections 62 and 63 of *The Assessment Act* and the heading immediately preceding the said section 63 are repealed and the following substituted therefor:

Affidavit to be attached to roll.

62.—(1) Upon completion of the assessment roll, the assessment commissioner or assessor shall attach thereto his affidavit or solemn affirmation.

- (2) The affidavit or affirmation (Form 5) may be made before the clerk of the municipality, a justice of the peace having jurisdiction in the municipality, a commissioner for taking affidavits or a notary public. Making affidavit.
- (3) The assessment commissioner or assessor shall on or before the day fixed for the return of the assessment roll deliver the same to the clerk of the municipality completed and added up, with the affidavit attached, and the clerk shall, immediately upon receipt of the roll, file it in his office, and it shall, during office hours, be open to inspection. Roll to be delivered to clerk.
- (4) The omission to attach to the assessment roll the affidavit or solemn affirmation required by subsection 1 shall not invalidate the roll. Omission to attach affidavit.

63. Any municipality instead of ascertaining the values of all lands in the municipality every year may by by-law provide for a two-year or three-year rotary system of ascertaining such values under which the assessor shall ascertain in one year the values of lands in one-half of the municipality and in the following year the values in the other one-half, or in one year the values in one-third of the municipality and in the following year the values in a second one-third and in the following year the values in the third one-third, and in every case the values of lands not ascertained in the year shall be entered on the assessment roll at the values last ascertained. Rotary system.

16. Section 65 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 65, amended.

- (5) The council may from time to time divide the court of revision into two or more divisions, and in such case each division shall consist of one member to whom all the provisions of this section shall apply *mutatis mutandis*. Additional courts of revision.

17. Subsection 1 of section 66 of *The Assessment Act*, as re-enacted by subsection 2 of section 2 of *The Statute Law Amendment Act, 1938*, is amended by adding at the end thereof the words "and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 66, subs. 1 (1938, c. 37, s. 2, subs. 2), amended.

- (1) In municipalities other than cities, the court of revision shall consist of five members appointed by the council of the municipality and such members Constitution of court in municipalities other than cities.

other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Rev. Stat.,
c. 272, s. 73,
subs. 12,
amended.

18.—(1) Subsection 12 of section 73 of *The Assessment Act* is amended by adding at the end thereof the words "or sent by mail addressed thereto", so that the said subsection shall now read as follows:

Manner of
service.

(12) If the person resides or has a place of business in the municipality, the clerk shall cause the notice to be left at the person's residence or place of business or sent by mail addressed thereto.

Rev. Stat.,
c. 272, s. 73,
subs. 14,
amended.

(2) Subsection 14 of the said section 73 is amended by striking out the word "six" in the third line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

When
notice
to be
completed.

(14) Every notice hereby required whether by publication, advertisement, letter, or otherwise shall be completed at least ten days before the sitting of the court, and the clerk shall certify to the court, at the first day of its sitting, the notices which have been so completed.

Rev. Stat.,
c. 272, s. 73,
subs. 17,
amended.

(3) Subsection 17 of the said section 73 is amended by striking out the word "four" in the tenth line and inserting in lieu thereof the word "ten", so that the said subsection shall now read as follows:

Proceed-
ings in
other cases.

(17) In other cases, the court, after hearing the complainant, and the assessor, or assessors, and any evidence adduced, and, if deemed desirable, the person complained against, shall determine the matter, and confirm or amend the roll accordingly, and the court may, in determining the value at which any land shall be assessed, have reference to the value at which similar land in the vicinity is assessed, and in all cases which come before the court it may increase the assessment or change it by assessing the right person, the clerk giving the latter or his agent ten days' notice of such assessment, within which time he must appeal to the court if he objects thereto.

Rev. Stat.,
c. 272, s. 73,
subs. 21,
repealed.

(4) Subsection 21 of the said section 73 is repealed.

Rev. Stat.,
c. 272, s. 73,
amended.

(5) The said section 73 is amended by adding thereto the following subsection:

- (24) When the decision of the court of revision is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given. Notice of decision.

19. Subsection 2 of section 76 of *The Assessment Act* is amended by striking out the word "five" where it occurs in the fifth and eighth lines respectively and inserting in lieu thereof the word "ten", and by inserting after the word "court" in the ninth line the words "or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 76, subs. 2, amended.

- (2) Subject to the provisions of sections 59 to 63, and to the provisions of any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved, then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge. Service of notice of appeal.

20. Section 83 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 83, re-enacted.

- 83.—(1) When the decision of the judge is reserved at the hearing and is subsequently given, the clerk shall forthwith cause notice of the decision to be given by registered mail to the persons to whom notice of the hearing was given. When decision reserved.

- (2) Except as provided in section 84, the decision of the judge shall be final. Judge's decision final.

21.—(1) Subsection 1 of section 84 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 84, subs. 1, re-enacted.

- (1) In the case of the assessment of a telephone company or where a person is assessed to an amount aggregating in a municipality in territory without county organization \$5,000 or upwards or in any other municipality \$10,000 or upwards, such company or person, the municipal corporation, the assessor or Appeals to Municipal Board.

assessment commissioner or any person assessed may appeal from the decision of the county judge to the Ontario Municipal Board or where no appeal is taken to the county judge, may appeal direct from the decision of the court of revision to the Ontario Municipal Board.

Rev. Stat.,
c. 272, s. 84,
subss. 3 & 4,
re-enacted.

(2) Subsections 3 and 4 of the said section 84 are repealed and the following substituted therefor:

Provisions
applicable
to appeals;
powers of
Board.

(3) Except as provided in subsections 4 and 4a, sections 76 to 83 and sections 85 and 86 shall apply to appeals taken under subsection 1 or 2, and on such appeals the Board shall have the powers and duties of a county judge under the said sections.

Notice
of
appeal.

(4) A notice of appeal to the Board under this section shall be sent by registered mail to the secretary thereof within twenty-one days after the decision of the court of revision or county judge has been delivered in open court or when the decision is reserved, within twenty-one days after notice thereof has been given by the clerk under subsection 24 of section 73 or subsection 1 of section 83, as the case may be.

Notice
of
hearing.

(4a) Upon receipt of a notice of appeal under this section, the secretary of the Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal.

Rev. Stat.,
c. 272, s. 90,
subs. 1,
amended.

22. Subsection 1 of section 90 of *The Assessment Act*, as amended by section 10 of *The Assessment Amendment Act, 1944*, is further amended by striking out the word "financial" in the fourth line, so that the said subsection shall now read as follows:

Annual
examination
of assess-
ment rolls
by county
councils for
purpose of
equalization.

(1) The council of every county shall, yearly, and not later than the 1st day of July, examine the assessment rolls of the different townships, towns and villages in the county, for the preceding year, for the purpose of ascertaining whether the valuations of real property made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village, the aggregate valuations, adding or deducting so much per centum as may, in their opinion, be necessary to produce a just relation between them;

but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

23.—(1) Paragraph 6 of section 91 of *The Assessment Act*, Rev. Stat., c. 272, s. 91, para. 6, re-enacted. as re-enacted by subsection 2 of section 4 of *The Assessment Amendment Act, 1943*, is repealed and the following substituted therefor:

6. The county judge or the persons appointed to form a court shall be paid such remuneration and travelling and other expenses as the Lieutenant-Governor in Council may determine to be borne and paid as directed by the county judge or court, as the case may be. Remuneration.

6a. The fees of the stenographic reporter, if any, and any other expenses incidental to the hearing of the appeal shall be borne and paid as directed by the county judge or the court, as the case may be. Other expenses.

(2) This section shall be deemed to have had effect on and after the 1st day of July, 1943. Retroactive effect.

24.—(1) Subsection 2 of section 113 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 113, subs. 2, re-enacted.

(2) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding one-half of one per centum on the first day of default and on the first day of each period of not less than thirty days thereafter in which default continues, but not after the end of the year in which the taxes are levied. Penalty for non-payment of taxes.

(2) Subsection 3 of the said section 113 is repealed. Rev. Stat., c. 272, s. 113, subs. 3, repealed.

(3) Subsection 4 of the said section 113 is repealed and the following substituted therefor:

(4) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and to allow a discount on any taxes so paid in advance not exceeding one-half of one per centum for payment within the period of not less than thirty days prior to the day fixed for payment and a similar discount for such similar period prior thereto, notwithstanding that the taxes for such year have not been levied, or that the assessment roll on which said taxes are to be fixed and levied has not been adopted by the council, when any such advance payment is made. Rev. Stat., c. 272, s. 113, subs. 4, re-enacted. Discount for payment in advance.

Prospective
effect;
application.

(4) This section shall have effect on and after the 1st day of January, 1947, and subsections 2 and 4 of section 113 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Rev. Stat.,
c. 272, s. 114,
subs. 1,
amended.

25. Subsection 1 of section 114 of *The Assessment Act* is amended by striking out the comma after the word "or" where it appears for the second time in the fourth line and by inserting a comma after the word "collector" where it appears for the first time in the fourth line and after the word "treasurer" in the fifth line, so that the first seven lines of the said subsection shall now read as follows:

Distress
and sale
for taxes
which are
a charge
on land.

(1) Subject to the provisions of section 113, in case taxes which are a lien on land remain unpaid for fourteen days after demand or notice made or given pursuant to section 109, 111, or 113, the collector, or where there is no collector, the treasurer, may by himself or his agent (subject to the exemptions and provisos hereafter in this section mentioned), levy the same with costs by distress,—

Rev. Stat.,
c. 272, s. 116,
re-enacted.

26. Section 116 of *The Assessment Act* is repealed and the following substituted therefor:

Public notice
of sale to
be given,
and in what
manner.

116. The collector or his agent shall, by advertisement posted up in at least three public places in the municipality or where there are wards in the ward wherein the sale of goods and chattels distrained is to be made, give at least six days' notice of the time and place of the sale, and of the name of the person whose property is to be sold, and, at the time named in the notice, the collector or his agent shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary to realize the amount of the taxes and costs.

Rev. Stat.,
c. 272, s. 124,
amended.

27. Section 124 of *The Assessment Act* is amended by adding thereto the following subsection:

Where
council may
estimate
amount of
business
assessment.

(3a) Where the assessment of business is made and levied upon in the same year, it shall not be necessary for the council to levy rates on the whole rateable property according to the last revised assessment roll, but may levy the rates before the completion of the separate roll of business assessment and for the purpose of fixing the rates, may estimate the amount of business assessment that will be entered on such separate roll, in which case a notice of business assessment need not be delivered, but upon

delivery of the tax bill all the rights of appeal provided in the case of assessments shall apply to the business assessment upon which the taxes mentioned in the tax bill were levied and any person assessed for business under this subsection shall be liable for the taxes levied in respect thereof.

28. Section 136 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 136,
repealed.

29. Section 138 of *The Assessment Act* is repealed.

Rev. Stat.,
c. 272, s. 138,
repealed.

30.—(1) Subsection 1 of section 147 of *The Assessment Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 272, s. 147,
subs. 1,
re-enacted.

(1) The treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid, interest at the rate of one-half of one per centum per month for each month or fraction thereof from the 31st day of December in the year in which such taxes are levied until such taxes are paid.

Interest
on tax
arrears.

(2) Subsection 4 of the said section 147 is repealed.

Rev. Stat.,
c. 272,
s. 147,
subs. 4,
repealed.

(3) Subsection 1 of section 147 of *The Assessment Act* as re-enacted by this section shall apply to every municipality, notwithstanding the provisions of any special Act heretofore passed.

Application.

31. Section 148 of *The Assessment Act* is amended by striking out all the words after the word "sale" in the fourth line, so that the said section shall now read as follows:

Rev. Stat.,
c. 272, s. 148,
amended.

148. The treasurer shall not sell any lands for taxes which have not been included in the list furnished by him pursuant to section 134 to the clerks of the municipalities in the month of January preceding the sale.

What lands
may be
sold.

32.—(1) Subsection 2 of section 161 of *The Assessment Act* is amended by striking out all the words after the word "taxes" in the thirteenth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 272, s. 161,
subs. 2,
amended.

When land
does not
sell for
full amount
of taxes.

- (2) If the treasurer fails at such sale to sell any land for the full amount of arrears of taxes due, including the full amount of commission and other lawful charges and costs added under section 150, he shall at such sale adjourn the same until a day then to be publicly named by him, not earlier than a week, nor later than three months thereafter, of which adjourned sale he shall give notice by public advertisement in the local newspaper, or in one of the local papers in which the original sale was advertised, and on such day he shall sell such lands unless otherwise directed by the council of the municipality in which they are situate, for any sum he can realize, and shall accept such sum as full payment of such arrears of taxes; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with expenses of sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3.

Rev. Stat.,
c. 272, s. 161,
subs. 3,
amended.

- (2) Subsection 3 of the said section 161 is amended by striking out all the words after the word "treasurer" in the eighth line and inserting in lieu thereof the words "and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown

upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement", so that the said subsection shall now read as follows:

- (3) If the price offered for any land at the adjourned sale is less than the amount due for arrears of taxes, charges and costs or if no price is offered, it shall be lawful for the municipality to purchase the same for the amount due, provided that previous notice by public advertisement in the local newspaper or in one of the local newspapers in which the original sale was advertised, of intention so to do has been given by the treasurer; and the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of the sale, and together with ten per centum added thereto, and together with the amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, and such taxes shall be computed at the rate fixed by by-law for each year in which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontages shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement.

Purchase by municipalities of land sold for taxes.

33.—(1) Subsection 1 of section 162 of *The Assessment Act*, as amended by subsection 3 of section 2 of *The Statute Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat., c. 272, s. 162, subs. 1, re-enacted.

- (1) Notwithstanding the provisions of section 161, the treasurer shall not be obliged to sell for taxes only a portion of land separately assessed but may sell the whole of such land for the best price offered at the sale, and any money obtained by the treasurer as the price of such land shall be applied, firstly, in paying the full amount of the taxes for which the land was offered for sale, together with the expenses of sale and, secondly, in payment of the taxes,

Mode of selling land for taxes.

Proviso.

including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land, and the balance, if any, shall be paid by the treasurer to the owner of the land or to such other person as may be authorized by law to receive the same less such charge and expenses as the treasurer may pay or incur in satisfying himself of the right of such owner or other person to receive the same, and it shall be the duty of the person claiming the balance to produce to the treasurer proof of his right to receive the same; provided that the owner or any person interested in the land may redeem the same within one year from the date of purchase, exclusive of the day of purchase, upon payment of the full amount of the purchase price, together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and the balance, if any, outstanding of the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 2 of section 161, but if the purchaser is the municipality redemption as aforesaid may be made upon payment of the full amount of the taxes for which the land was offered for sale, together with the expenses of sale, and together with ten per centum added thereto, and together with the full amount of the charges for searches, postage and notice provided for in subsection 2 of section 178, and together with the taxes including local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and been liable for taxation, determined as provided in subsection 3 of section 161.

Rev. Stat.,
c. 272, s. 162,
subs. 2,
repealed.

(2) Subsection 2 of the said section 162 is repealed.

Rev. Stat.,
c. 272, s. 162,
subs. 3,
amended.

(3) Subsection 3 of the said section 162 is amended by striking out the words "the percentage to be deducted and retained by the treasurer from any balance payable by him to the owner of a lot or any other person entitled thereto as provided in subsection 1 shall belong to the municipality, and" in the first, second, third and fourth lines, so that the said subsection shall now read as follows:

Application
of unclaimed
balances.

(3) The amount of any such balance until claimed, or if never claimed, shall belong to the municipality.

34. Section 177 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 177, re-enacted.

177. The treasurer shall give to the person paying redemption money a receipt stating the sum paid and the object of payment, and such receipt shall be evidence of the redemption. Evidence of redemption.

35. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

177a. Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 2 of section 178 shall at any time with the approval of the Department be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, penalties and interest had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance. Conveyance to former owner.

36.—(1) Subsection 2 of section 178 of *The Assessment Act*, as amended by section 13 of *The Assessment Amendment Act, 1939*, is further amended by striking out the words "Subject to the provisions of subsections 2 and 3 of section 161" at the commencement thereof and by striking out the words "of the purchase money together with ten per centum added thereto" in the thirteenth and fourteenth lines and inserting in lieu thereof the words "required to redeem the estate", so that the said subsection shall now read as follows: Rev. Stat., c. 272, s. 178, subs. 2, amended.

(2) The treasurer shall within the said period of ninety days from the day of sale, if the land is not previously redeemed, send to each incumbrancer (if any) and to the registered owner by registered letter mailed to the address of such incumbrancer or owner if known to the treasurer, and if such address is not known to the treasurer then to any address of such incumbrancer or owner appearing in records of the registry office or sheriff's office a notice stating that the land has been sold for taxes, the date of the sale, and that the incumbrancer or owner is at liberty within one year from the day of sale, exclusive of the day of sale, to redeem the estate sold by paying Notice to incumbrancer and owner.

to the treasurer the amount required to redeem the estate and the amount of the charges for the searches aforesaid and for registration of the notice mentioned in subsection 3 and postage and twenty-five cents for the notice, the amount aforesaid to be specified in the notice.

Rev. Stat.,
c. 272, s. 178,
subs. 3,
amended.

(2) Subsection 3 of the said section 178 is amended by striking out the words "may at any time before redemption of land sold for taxes and after he has sent the notice or notices mentioned in subsection 2" in the first, second and third lines, and inserting in lieu thereof the words "shall within ninety days from the date of sale", so that the said subsection shall now read as follows:

Registration
of notice
of sale.

(3) The treasurer shall within ninety days from the date of sale register in the registry office a written notice stating that the land described therein has been sold for taxes, the date of the sale, the time within which the land may be redeemed and the amount required to redeem the same, and for registration of such notice the registrar shall be paid a fee of \$1.

Rev. Stat.,
c. 272, s. 181,
subs. 2 (1944,
c. 7, s. 18),
amended.

37. Subsection 2 of section 181 of *The Assessment Act*, as enacted by section 18 of *The Assessment Amendment Act, 1944*, is amended by adding at the end thereof the words "and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made", so that the said subsection shall now read as follows:

Declaration
of
treasurer.

(2) Notwithstanding subsection 1, a tax deed shall not be valid unless there is affixed thereto a statutory declaration of the treasurer that he has complied with subsection 2 of section 178, and such declaration shall form part thereof, and where the tax deed has been registered, the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Rev. Stat.,
c. 272,
amended.

38. *The Assessment Act* is amended by adding thereto the following section:

Where tax
arrears
procedures
of Rev.
Stat. c. 59
in effect.

198a. Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a municipality as defined in the said Act, it shall not be necessary for the treasurer or other officer of the municipality to furnish to the county treasurer or

sheriff any of the information or statements required under this Act in respect of tax arrears, and the powers and duties of the warden or treasurer of a county or sheriff under this Act in respect of tax arrears and tax sales shall not apply in respect of the municipality, and all the powers and duties of the county treasurer or sheriff in respect of arrears of taxes shall be vested in the treasurer of the municipality.

39. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of
Act.

40. This Act may be cited as *The Assessment Amendment Act, 1946.* Short title.

CHAPTER 4.

An Act to amend The Barristers Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Barristers Act* is repealed and the following substituted therefor: Rev. Stat.
c. 222, s. 6
re-enacted.

6. The disbarment of a barrister who holds an appointment as one of His Majesty's Counsel Learned in the Law shall have the effect of revoking such appointment.

2. This Act may be cited as *The Barristers Amendment Act, 1946.* Short title.

CHAPTER 5.

The Beach Protection Act, 1946.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

(a) "licence" shall mean licence issued under this Act; "licence":

(b) "Minister" shall mean Minister of Mines; "Minister":

(c) "regulations" shall mean regulations made under the authority of this Act; and "regulations":

(d) "sand" shall include earth, gravel and stone. *New.* "sand".

2.—(1) The Minister may issue licences for the taking of sand from the bed, bank, beach, shore or waters of any lake, river or stream or from any bar or flat in any lake, river or stream or adjoining any channel or entrance to any lake, river or stream in accordance with the provisions of the regulations, and may suspend or cancel any licence. 1940, c. 28, s. 2; 1941, c. 7, s. 1. Issue and
revocation
of licence.

(2) Each licence shall be effective only in the geographical area defined therein, and shall contain such particular terms and conditions as to its operation as the Minister directs. *New.* Operation
of licence.

3.—(1) No person, unless he is the holder of a licence, shall take or carry away in any boat, vessel, craft, cart, truck or other conveyance, or otherwise transport by land or water or remove by drag-line or other mechanical device, any sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 whether or not such bed, bank, beach, shore, waters, bar or flat is owned by such person. R.S.O. 1937, c. 333, s. 1 (1), *amended.* Prohibition
against
taking sand.

(2) Subsection 1 shall not apply to the removal of sand by Exception.

a municipality for municipal uses or by a *bona fide* resident of Ontario provided that such sand is for his personal use and not for resale or for use for commercial or industrial purposes. R.S.O. 1937, c. 333, s. 1 (3), *amended*.

Being present to remove sand.

4. Subject to subsection 2 of section 3, no person shall go upon any bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 for the purpose of removing or assisting to remove any sand therefrom except under the authority of a licence. R.S.O. 1937, c. 333, s. 2, *amended*.

Having sand unlawfully taken on vessel.

5. No person shall have on board his vessel or on a vessel in his possession or control, any sand taken contrary to the provisions of this Act. R.S.O. 1937, c. 333, s. 3, *amended*.

Issue of search warrant.

6.—(1) Where any person makes oath before a justice of the peace that he has reason to believe and does believe that sand, in respect of which a violation of the provisions of section 3, 4 or 5 has been committed, is on board any vessel, or at any place, the justice of the peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place and if any sand is found thereon or thereat, he shall seize it and the vessel, if any, in which it is contained, and shall keep them secure until final action as hereinafter provided is had thereon. R.S.O. 1937, c. 333, s. 4, *amended*.

Prosecution.

(2) The owner, master or person in possession of the vessel, or person in possession of sand shall without further information laid be summoned forthwith by the justice who issued the warrant to appear before a magistrate, and if such owner, master or person in possession fails to appear, or if it is shown to the satisfaction of the magistrate that a violation has been committed, the magistrate may convict the owner, master or person in possession. R.S.O. 1937, c. 333, s. 5, *amended*.

Removal of sand from bed of certain streams prohibited.

7.—(1) No person shall remove any sand from the bed of any river, stream or creek running between two municipalities without the consent of the councils of such municipalities and in no case shall any sand be removed from the bed of any river, stream or creek so as to injure or endanger the safety of any bridge, drainage pipe, watermain or other structure erected or laid by a municipal corporation.

Penalty.

(2) Any person who contravenes this section shall for each offence on summary conviction incur a penalty of not less than \$10 nor more than \$25. R.S.O. 1937, c. 333, s. 8, *amended*.

Removal of sand from street or road prohibited.

8.—(1) No person shall remove any sand from any street or road or from the extension of any street or road into any

river or lake without the consent of the council of the municipality in which it is situate.

(2) Any person contravening this section shall on summary conviction be liable to a penalty not exceeding \$10 for every load removed. R.S.O. 1937, c. 333, s. 10 (1, 2), *amended*.

9.—(1) Notwithstanding anything contained in this Act, ^{Removal of sand from Lakes Erie, Ontario, Huron.} *The Beaches and River Beds Act* or any other Act, or in any regulations or order made under any of the said Acts, the Lieutenant-Governor in Council may make regulations prohibiting absolutely, or restricting subject to the terms and conditions contained therein, the taking, removing and carrying away by cart or truck, or by any boat or vessel or other water craft, or by any other vehicle or craft, of any sand from any bed, beach, shore or waters of, or adjacent to, any part of the shores of Lake Erie, Lake Ontario or Lake Huron, or from any land covered by the waters of any of the said lakes adjacent to the said shore, or from any sandbar or flat therein or adjoining any channel or entrance thereto as described in the regulations. R.S.O. 1937, c. 333, s. 9 (1), *part, amended*. ^{Rev. Stat., c. 334.}

(2) Such prohibition or restriction shall extend to the owner, tenant or occupant of any such bed, beach, shore, sandbar or flat and to any person claiming under the authority of any municipal corporation or of any order of the Ontario Municipal Board and to every other individual and corporation. R.S.O. 1937, c. 333, s. 9 (1), *part*; 1941, c. 7, s. 2 (1), *amended*. ^{Extent of prohibition or restriction.}

(3) Every person who contravenes the prohibition or restriction contained in any such regulations shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1937, c. 333, s. 9 (2); 1941, c. 7, s. 2 (2), *amended*. ^{Penalty.}

10. Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall incur a penalty of not less than \$10 nor more than \$1,000 but no prosecution shall be commenced except with the consent in writing of the Attorney-General. R.S.O. 1937, c. 333, s. 7 (1), *amended*. ^{General penalty.}

11. The penalties imposed by this Act may be recovered under the provisions of *The Summary Convictions Act* and save as otherwise provided in this Act the provisions of such Act shall apply to all proceedings taken under this Act. R.S.O. 1937, c. 333, s. 11 (1). ^{Recovery of penalties. Rev. Stat., c. 136.}

12. In addition to the method of service prescribed by *The Summary Convictions Act* any summons or other proceed- ^{Service of proceedings.}

ing may, where it is directed to a person on board any vessel, be served by leaving it, or a copy thereof, with the person who is or appears to be in charge or command of such vessel. R.S.O. 1937, c. 333, s. 11 (2).

Burden of proof.

13. In any prosecution the burden of proving the right to take any sand shall be upon the person charged with a violation of the Act. R.S.O. 1937, c. 333, s. 6, *amended*.

Royalties.

14.—(1) A person to whom a licence is issued in accordance with this Act, may be required to pay to the Crown in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence.

Amount of royalty.

(2) The amount to be charged per yard shall be fixed by the Minister according to the location, type, availability and accessibility of such land.

Security.

(3) The Minister may require a person to whom such licence is issued and by whom such sums are payable to the Crown to give security by bond satisfactory to the Minister, for the payment of such sums. *New*.

Sale of vessel, etc., for payment of penalty.

15.—(1) In addition to the remedies provided by *The Summary Convictions Act* for the recovery of penalties, any penalty imposed for a violation of this Act if not paid in accordance with the conviction may be levied by the sale of any vessel, conveyance, drag-line or other mechanical device involved in the commission of the offence under the warrant of the convicting magistrate.

Rev. Stat., c. 136.

Payment of balance to owner.

(2) Upon return being made of the sale after satisfying the penalty and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. R.S.O. 1937, c. 333, s. 7 (1, 2), *amended*.

Regulations.

16. The Lieutenant-Governor in Council may make regulations,—

- (a) providing for the issue and renewal of licences and prescribing the general terms and conditions thereof and the fees payable therefor;
- (b) prescribing the form and contents of security bonds;
- (c) prescribing such forms as may be necessary; and
- (d) generally for the better carrying out of the provisions of this Act. *New*.

17. All charges heretofore made for the removal of sand and all payments received by His Majesty in right of Ontario in respect thereof are ratified and confirmed. Confirmation.
tion.

18. *The Beach Protection Act*, section 2 of *The Statute Law Amendment Act, 1940*, and *The Beach Protection Amendment Act, 1941*, are repealed. Rev. Stat.,
c. 333, 1940,
c. 28, s. 2;
1941, c. 7,
repealed.

19. This Act may be cited as *The Beach Protection Act, 1946*. Short title.

CHAPTER 6.

An Act to amend The Boards of Education Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Boards of Education Act* is amended by adding thereto the following section: Rev. Stat.,
c. 361,
amended.

- 11a.—(1) If at a meeting of a municipal board of education specially called for that purpose, a majority of the members of the board vote in favour of a dissolution of such board, a copy of the resolution shall be submitted forthwith to the municipal council with the request that the question "Are you in favour of dissolution of the municipal board of education?" be submitted to a vote of the electors of the municipality. Dissolution
of municipal
board of
education,—
question
submitted
to electors.
- (2) The council shall at the next municipal election submit the question to a vote of the electors; and in case the question is answered in the affirmative by a majority of the electors voting thereon, such municipal board of education shall be dissolved on the 31st day of December of the year in which such vote is taken. Board dis-
solved upon
affirmative
vote.
- (3) Upon the dissolution of the municipal board of education, a high school board and a public school board shall be established in the municipality, and the provisions of *The High Schools Act* and *The Public Schools Act* shall apply with reference to the appointment of high school trustees and the election of public school trustees respectively. High school
and public
school board
established.

Rev. Stat.,
cc. 360, 357.
- (4) Upon the dissolution of such municipal board of education, all property held or possessed by such board for high school purposes shall vest in the high school board and all property held or possessed by such board for public school purposes shall vest in the public school board, and all debts, contracts and Disposition
of assets
and lia-
bilities,

agreements for which the municipal board was liable, shall become obligations of the high school board or the public school board as the case may be.

in the event
of dispute.

- (5) In the event of a dispute as to the division of the property and debts of the municipal board of education, the division shall be made by the municipal council, whose decision shall be final.

Municipal
board of
education
dissolved
upon en-
largement
or dissolu-
tion of
high school
district.

- (6) Where a high school district for which a municipal board of education has been formed is dissolved or enlarged to include other municipalities, the municipal board of education shall *ipso facto* be dissolved and a high school board and a public school board shall be established for the municipality as provided in subsection 3.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Short title.

3. This Act may be cited as *The Boards of Education Amendment Act, 1946*.

CHAPTER 7.

An Act to amend The Charitable Institutions Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Charitable Institutions Act* is repealed and the following substituted therefor: Rev. Stat., c. 381, s. 1, cl. a, re-enacted.

(a) "Charitable institution" shall mean refuge, orphanage and infants' home and any other institution or organization which is declared to be a charitable institution by the Minister of Welfare pursuant to *The Department of Public Welfare Act*. "Charitable institution".
Rev. Stat., c. 61.

2.—(1) Subsection 2 of section 3 of *The Charitable Institutions Act* is repealed and the following substituted therefor: Rev. Stat., c. 381, s. 3, subs. 2, re-enacted.

(2) No institution, organization, premises or building shall be created, established, incorporated, acquired, erected, continued, maintained or operated as or for the purposes of a charitable institution until the charitable institution is approved by the Lieutenant-Governor in Council as a charitable institution. Approval of new institutions.

(2) Subsection 3 of the said section 3 is repealed.

Rev. Stat., c. 381, s. 3, subs. 3, repealed

3. Section 5 of *The Charitable Institutions Act* is amended by striking out the words "Department and it" in the first line and inserting in lieu thereof the words "Minister and he", and by striking out the word "Department" where it occurs in the third and seventh lines respectively and inserting in lieu thereof the word "Minister", so that the said section shall now read as follows: Rev. Stat., c. 381, s. 5, amended.

5. It shall be the duty of the Minister and he shall have power to administer and enforce the provisions of this Act and the regulations, and the Minister may, from time to time, declare any or all of the regulations to be in force with respect to all charitable

Powers of Minister.

institutions or any specified charitable institution or institutions or class or classes thereof and for such time or times as the Minister may deem expedient.

Rev. Stat.,
c. 381, s. 7,
amended.

4. Section 7 of *The Charitable Institutions Act* is amended by inserting after the word "institution" in the first line the words "which is approved by the Lieutenant-Governor in Council", so that the said section shall now read as follows:

Powers of
institution.

7. Every charitable institution which is approved by the Lieutenant-Governor in Council shall have power to carry on its undertaking, objects and pursuits as may be authorized by law or by general or special Act under which it was created, established, incorporated or is empowered so to do, but where any such law of Ontario or any such general or special Act conflicts with the provisions of this Act or the regulations the provisions of this Act and the regulations shall prevail.

Rev. Stat.,
c. 381, s. 9.,
subs. 1,
amended.

5. Subsection 1 of section 9 of *The Charitable Institutions Act* is amended by striking out the words "on the list of institutions entitled to receive provincial aid" in the fourth and fifth lines and inserting in lieu thereof the words "which is approved by the Lieutenant-Governor in Council and belongs to one of the following classes of charitable institutions", so that the said subsection, exclusive of the clauses, shall now read as follows:

Distribution
of provincial
aid.

(1) Subject to the provisions of this Act and of the regulations provincial aid shall be distributed and may be paid out of any moneys appropriated for such purpose by the Legislature, to any charitable institution which is approved by the Lieutenant-Governor in Council and belongs to one of the following classes of charitable institutions, as follows:

Short title.

6. This Act may be cited as *The Charitable Institutions Amendment Act, 1946*.

CHAPTER 8.

The Cheese and Hog Subsidy Act, 1946.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, *The Cheese and Hog Subsidy Act, 1944*, or *The Cheese and Hog Subsidy Act, 1945*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1947.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1946.

3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1946*.

CHAPTER 9.

An Act to amend The Collection Agencies Act, 1939.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Collection Agencies Act, 1939*, as amended by *The Collection Agencies Amendment Act, 1941*, is further amended by striking out the word "Commission" wherever it occurs and inserting in lieu thereof the word "Superintendent". 1939, c. 7, amended.

2. Section 1 of *The Collection Agencies Act, 1939*, is amended by striking out clause *c* and by adding the following clause: 1939, c. 7, s. 1, cl. *c*, repealed; cl. *g* enacted.

(g) "Superintendent" shall mean the Superintendent of Insurance. Superintendent.

3. Section 20 of *The Collection Agencies Act, 1939*, as amended by section 5 of *The Collection Agencies Amendment Act, 1941*, is further amended by striking out the words "upon the recommendation of the Commission" in the first and second lines, so that the first two lines of the said section shall now read as follows: 1939, c. 7, s. 20, amended.

20. The Lieutenant-Governor in Council may make Regulations, regulations,—

.

4. This Act shall come into force on the 1st day of April, 1946. Commencement of Act.

5. This Act may be cited as *The Collection Agencies Amendment Act, 1946*. Short title.

CHAPTER 10.

An Act to amend The Companies Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 35 of *The Companies Act* is amended by striking out the four lines immediately following clause *d*, so that the said section shall now read as follows:

35. The Lieutenant-Governor in Council may make regulations with respect to,—

Regulations
by
Lieutenant-
Governor
in Council.

- (a) the cases in which notice of application for letters patent or supplementary letters patent must be given;
- (b) the forms of letters patent, supplementary letters patent, notices and other instruments and documents relating to applications and other proceedings;
- (c) the form and manner of the giving of any notice required by this Act;
- (d) such other matters as he may deem necessary or expedient for carrying out the objects and provisions of this Act.

2. Section 105 of *The Companies Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 251, s. 105,
amended.

- (1a) No shareholder or creditor or his agent or representative shall make or procure to be made a list of all or any of the shareholders of a company unless he has filed with the company or its agent, an affidavit of such shareholder or creditor (Form 6) that such list is required only for purposes connected with such company and will be used for such purposes only and where the shareholder or creditor is a corporation, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of such corporation.

List of
share-
holders.

Penalty for
unauthorized
use of list.

- (1b) Any person other than a company or its agent who uses a list of all or any of the shareholders of such company for the purpose of delivering or sending to all or any of such shareholders advertising or other printed matter relating to shares, bonds, debentures or other securities other than the shares, bonds, debentures or other securities of such company, or for purposes not connected with the company, shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment to a term of imprisonment not exceeding six months.

Purposes
connected
with the
company,—
defined.

- (1c) Purposes connected with the company shall be deemed to include any effort to influence the voting of shareholders at a special or general meeting of the company or the acquisition or offering of shares for the purpose of acquiring control or effecting an amalgamation or reorganization or for any other purpose approved in any case by the Provincial Secretary under his hand.

Penalty for
selling or
purchasing
list.

- (1d) Any person who offers for sale or sells or purchases or otherwise traffics in a list or copy of a list of all or any of the shareholders of any company shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment, to a term of imprisonment not exceeding six months.

Rev. Stat.,
c. 251, s. 168,
subs. 1,
amended.

3. Subsection 1 of section 168 of *The Companies Act* is amended by striking out the words "and in the *Ontario Gazette*" in the eleventh line, so that the said subsection shall now read as follows:

Company
may pass
by-laws for
control, etc.,
of under-
taking.

- (1) The company may pass by-laws regarding the control and management of its undertaking, its dealings with the public, the collection of tolls, charges, rates or levies for the public service given by the company, and for the use, protection and care of its property while being used, enjoyed or otherwise subject to public use; but no such by-laws shall have any force or effect or be acted upon until approved by the Lieutenant-Governor in Council and notice of the approval has been published four times in a public newspaper published at the place where the undertaking of the company is carried on, or as near thereto as may be unless such publication is dispensed with by the Minister.

Rev. Stat.,
c. 251, s. 292,
amended.

4.—(1) Section 292 of *The Companies Act* is amended by adding thereto the following clause:

- (cc) provide for the payment of benefits to officers and employees of the parent or a subsidiary corporation in respect of illness, accident or disability which has incapacitated dependants of such officers or employees.

(2) The said section 292 is further amended by adding thereto the following subsection: Rev. Stat., c. 251, s. 292, amended.

- (2) The word "dependants" in subsection 1 shall mean "Dependants", the wives, husbands, and children under the age of defined. eighteen years, including adopted children, of such officers or employees.

5. Section 300 of *The Companies Act* is amended by adding thereto the following subsection: Rev. Stat., c. 251, s. 300, amended.

- (7a) Notwithstanding anything contained in this Act or in any other Act, an insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may cause to be formed, or may join with one or more life insurance companies in forming, one or more institutional holding companies and one or more institutional housing corporations as defined in *The National Housing Act, 1944* (Canada), as amended by 9-10 George VI, chapter 26 (Canada), and may invest its funds in shares or debentures of the said holding companies, and in shares of the said housing corporations to an aggregate amount which, when added to the aggregate amount invested by the said insurer under section 300a of this Act, does not exceed five per centum of its total assets in Canada allowed by the Superintendent of Insurance. Power to form holding companies and housing corporations under *National Housing Act, 1944* (Canada) and to invest therein. 1944, c. 46, (Canada)

6. *The Companies Act* is amended by adding thereto the following Form: Rev. Stat., c. 251, amended.

FORM 6.

Form of Affidavit.

Province of Ontario
County of

In the matter of
(Here insert name of company)

I, of the of
in the of
make oath and say:

1. That I am a shareholder (or creditor) of the above named company.

(Where the shareholder or creditor is a corporation,
indicate office and authority of deponent in para-
graph 1.)

2. That I am making application to make a list of the shareholders of the above-named company.

3. That I require the list of shareholders only for purposes connected with the said company.

4. That the said list of shareholders and the information contained therein will be used only for purposes connected with the said company.

Sworn before me at the..... }
 of....., in the..... }
 of....., this..... }
 day of....., 19..... }

A Commissioner, etc.

Short title. 7. This Act may be cited as *The Companies Amendment Act, 1946*.

CHAPTER 11.

An Act to provide for the Establishment of Conservation Authorities for the purposes of the Conservation, Restoration and Development of Natural Resources, other than Gas, Oil, Coal and Minerals and for the Prevention of Floods and of Water Pollution.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "advisory board" shall mean an advisory board appointed by an authority; "advisory board";
- (b) "authority" shall mean a conservation authority established under this Act; "authority";
- (c) "chief officer" shall mean the chief officer of an authority; "chief officer";
- (d) "executive committee" shall mean executive committee appointed by an authority; "executive committee";
- (e) "land" shall include buildings and any estate, term, easement, right or interest in, to, over or affecting land; "land";
- (f) "municipality" shall mean a city, town, village and township; "municipality";
- (g) "owner" shall include a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested; "owner";
- (h) "participating municipality" shall mean, subject to section 4, a municipality which, "participating municipality";

- (i) is either wholly or partly within a watershed,
- (ii) may benefit by a scheme established therein, and
- (iii) is declared by the Lieutenant-Governor in Council to be a participating municipality for the purposes of such scheme;

"referee";
Rev. Stat.,
c. 278.

- (i) "referee" shall mean referee appointed under *The Municipal Drainage Act* having jurisdiction over that part of Ontario where the watershed is situate;

"scheme";

- (j) "scheme" shall mean scheme undertaken by an authority for the purposes of the conservation, restoration and development of natural resources, other than gas, oil, coal and minerals, and the control of water in order to prevent floods and pollution, or for any of such purposes; and

"watershed".

- (k) "watershed" shall mean an area drained by a river and its tributaries.

Application.

2. This Act shall not apply to any part of Ontario lying within a territorial district.

Calling of
meeting.

3.—(1) Where the councils of any two or more municipalities situate either wholly or partly within any watershed by resolution request the Minister of Public Works to call a meeting for the establishment of a conservation authority for the watershed or any defined part thereof, the Minister of Public Works shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or such part thereof.

Representa-
tives at
meeting.

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers,—

- (a) where the population exceeds 50,000, three representatives;
- (b) where the population exceeds 10,000 but is less than 50,000, two representatives; and
- (c) where the population is less than 10,000, one representative,

and the representatives so appointed shall have authority to vote and generally act on behalf of their respective municipalities at such meeting.

Quorum

(3) At any meeting called under this section a quorum shall consist of two-thirds of the representatives which the

municipalities notified are entitled to appoint but where not less than three representatives are present at a meeting or adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

4.—(1) Upon receipt by the Minister of Public Works of a resolution passed at a meeting or adjourned meeting held under section 3 and at which a quorum was present, by not less than two-thirds of the representatives present thereat, requesting the establishment of an authority the Lieutenant-Governor in Council may establish a conservation authority and designate the municipalities which shall be the participating municipalities and the area over which the authority shall have jurisdiction. Establishment of authority.

(2) The name of each authority shall be determined by the Lieutenant-Governor in Council and shall conclude with the words "conservation authority". Name of authority.

(3) Every authority shall be a body corporate. To be body corporate.

5. Where the councils of any three municipalities situate either wholly or partly within two or more watersheds by resolution request the Minister of Public Works to call a meeting for the establishment of a conservation authority for such watersheds or any defined parts thereof, the provisions of sections 3 and 4 shall apply *mutatis mutandis*. Establishment of conservation authority.

6.—(1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 of section 3 for the appointment of representatives and shall hold office during the pleasure of the respective councils. Members of authority.

(2) Where the Lieutenant-Governor in Council makes a grant to an authority he may appoint a member of the authority. Idem.

(3) The first meeting of an authority shall be held at such time and place as may be determined by the Minister of Public Works. First meeting.

7.—(1) Each member of an authority shall be entitled to one vote and in the event of a tie vote, the chairman shall have a second or deciding vote. Votes.

(2) At any meeting of an authority a quorum shall consist of one third of the number of members which the participating municipalities are entitled to appoint except where there are less than six members in which case two members shall constitute a quorum. Quorum.

(3) A majority vote of the members present at any meeting shall be required upon all matters coming before the meeting. Majority votes.

Chairman,
vice-
chairman.

8.—(1) At the first meeting of an authority and thereafter at the first meeting held in each calendar year, the authority shall elect a chairman and a vice-chairman from among themselves, provided that where the Lieutenant-Governor in Council makes a grant to an authority, he may appoint the chairman.

Death of
chairman
and vice-
chairman.

(2) Subject to subsection 1, upon the death of the chairman or vice-chairman, or upon either of them ceasing to be a member of the authority, the remaining members may elect a chairman or vice-chairman to fill such vacancy.

Absence of
chairman
and vice-
chairman.

(3) In the event of the absence of the chairman and vice-chairman from any meeting of an authority, the members present shall elect an acting chairman who, for the purposes of such meeting, shall have all the powers and perform all the duties of the chairman.

Chief
officer,
secretary-
treasurer,—
appoint-
ment of.

9.—(1) An authority may appoint a chief officer, secretary-treasurer and such other employees as it may deem necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority may determine, payable out of the funds of the authority.

Advisory
boards.

(2) An authority may appoint one or more advisory boards.

Executive
committee.

10.—(1) The authority may elect or appoint an executive committee from among themselves.

Chief
officer to
be member.

(2) The chief officer shall be *ex officio* a member of the executive committee.

Chairman.

(3) Where the Lieutenant-Governor in Council makes a grant to an authority, he may appoint the chairman of the executive committee.

Objects.

11. The objects of an authority shall be to undertake and effect such scheme or schemes in respect of the watershed or part thereof for which it is established as the authority may determine.

Filing
of plans.

12. Before proceeding with a scheme an authority shall file plans and a description thereof with and obtain the approval in writing of the Minister of Lands and Forests, the Minister of Planning and Development and the Minister of Public Works.

Powers of
authorities.

13. For the purposes of carrying out a scheme an authority shall have power,—

- (a) to study and investigate the watershed itself or by its engineers or other employees or representatives, and to determine a scheme whereby the natural resources of the watershed may be conserved, restored and developed and the waters controlled in order to prevent floods and pollution or any of such matters;

- (b) subject to the provisions of *The Lakes and Rivers Improvement Act*, to erect works, structures and create reservoirs by the construction of dams or otherwise; Rev. Stat., c. 45.
- (c) to purchase or acquire and without the consent of the owner enter upon, take and expropriate any land which it may require and sell or otherwise deal with such land or other property;
- (d) to purchase or acquire any personal property which it may require and sell or otherwise deal therewith;
- (e) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any scheme;
- (f) to determine the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them;
- (g) to use lands which are owned or controlled by the authority for such purposes, not inconsistent with its objects, as it deems proper;
- (h) to collaborate with departments and agencies of government, municipal councils and local boards and other organizations;
- (i) to plant and produce trees on public lands with the consent of the Minister of Lands and Forests, and on private lands with the consent of the owner, for any purpose;
- (j) to cause research to be done; and
- (k) generally to do all such acts as are necessary for the due carrying out of any scheme.

14.—(1) When an authority has determined the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by prepaid registered mail. Notice of apportionment.

(2) Any municipal council which is dissatisfied with any such apportionment may, upon ten days' notice in writing to the authority, apply to the Ontario Municipal Board to have such apportionment reviewed. Review of apportionment by Municipal Board.

(3) Upon such application the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. Hearing.

Powers of
Board on
hearing.

(4) The Ontario Municipal Board shall have authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision shall be final and conclusive and shall not be open to appeal.

Variation of
apportion-
ment.

(5) In the event of the authority varying any apportionment made by it, the provisions of this section shall apply *mutatis mutandis*.

When
municipality
not entitled
to repre-
sentation on
authority.

15. In the event that an authority determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the authority, such municipality shall not be entitled to representation on the authority and shall cease to be a participating municipality.

Regulations.

16. Subject to the approval of the Lieutenant-Governor in Council, an authority may make regulations,—

- (a) providing for the calling of meetings of the authority and prescribing the procedure at such meetings;
- (b) prescribing the powers and duties of the chief officer and secretary-treasurer;
- (c) delegating all or any of its powers to the executive committee except the following:
 - (i) the termination of the services of the chief officer and secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the erection of works approved by the authority.

Power to
enter on
lands* etc.

17.—(1) An authority may itself or by its chief officer, employees or agents for any purpose necessary to any scheme under consideration or undertaken by the authority, enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings, or sink such trial pits as it may deem necessary and subject to the approval of the Minister of Public Works, may, for the purposes of any scheme,—

- (a) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street, or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority; and

- (b) divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

(2) The cost of any work undertaken by an authority under this section shall be borne by the authority and compensation for any damage occasioned thereby may be claimed in accordance with the provisions of section 23. Cost of work.

18. If the chairman of an authority is of opinion that it can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price, or to greater advantage than by acquiring such part only, it may expropriate the whole of such lot or parcel and may afterwards sell and convey any part thereof as it deems expedient. Expropriation of land.

19.-(1) Where an authority desires to expropriate land, it shall cause a plan and description of such land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and by the chief officer, to be deposited in the proper registry or land titles office and such land shall thereupon be vested in the authority. Plan to be deposited in registry or land titles office.

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall become and be vested in the authority. Where land required for limited time.

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect. Correcting plan or description.

(4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman and the chief officer, is so deposited, they shall be deemed to have been deposited by the direction of the authority and as indicating that such land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the authority. Deposit of plan.

20.-(1) Where land is expropriated, the authority shall within one month of the deposit of the plan and description in the registry or land titles office, send a notice by prepaid registered mail to every owner of land included in such plan and description and cause a similar notice to be published once Notice where land expropriated.

a week for at least three weeks in a newspaper having a general circulation in the locality where the land is located.

Notice,
what to
state.

(2) Such notice shall state,—

- (a) that such land has been expropriated by the authority;
- (b) the purpose for which the land is to be used;
- (c) that the owner of any of such land is required to file a statement of any claim for compensation in respect of the expropriation of such land in the office of the authority not later than one month after the mailing or third publication of the notice, whichever is the later date.

Determina-
tion of
amount of
compensa-
tion.

(3) Upon the expiration of the time indicated in the notice an advisory board shall consider and determine the amount of compensation payable.

Filing of
statement.

(4) The advisory board shall in every case where it is called upon to determine the amount of compensation payable, file with the authority a statement of the amount of compensation it finds to be payable, together with written reasons for each finding.

Notice to
person
claiming.

(5) Within one month of the filing of such statement and reasons the authority shall cause a notice to be sent by prepaid registered mail to the person claiming compensation advising him of the amount of compensation determined by the advisory board.

Notice of
appeal.

(6) Any person who is dissatisfied with the amount of compensation found to be owing to him by the advisory board may, within one month of the mailing of such notice, notify the authority in writing that he is dissatisfied with such finding and desires to appeal to the Ontario Municipal Board.

Copy of
notice of
dissatisfac-
tion to be
sent to
Municipal
Board.

(7) Upon receipt of a notice of dissatisfaction, the authority shall forward to the Ontario Municipal Board a copy of such notice together with the statement and written reasons of the advisory board and a copy of the plan and description certified by the chief officer.

Hearing of
appeal.

(8) The secretary of the Ontario Municipal Board shall advise the authority of the time and place when such appeal will be heard and the authority shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

(9) The Ontario Municipal Board shall have authority to review the finding of the advisory board and to increase, decrease, otherwise vary or confirm such findings, or may refer the matter back to the advisory board for further consideration in which case the advisory board shall report back to the Ontario Municipal Board and the decision of the Ontario Municipal Board shall be final and conclusive and shall not be open to any appeal, provided, however, that an appeal shall lie from the Ontario Municipal Board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the Court within one month after the making of the order or decision sought to be appealed from, or within such further time as the Court under the special circumstances of the case shall allow after notice to the other party stating the grounds of appeal, and upon every such appeal the provisions of *The Ontario Municipal Board Act* relating to appeals from the Ontario Municipal Board to the Court of Appeal shall apply *mutatis mutandis*.

Power of
Municipal
Board.

Rev. Stat.,
c. 60.

21. The compensation agreed upon or determined by the advisory board or the Ontario Municipal Board for any land or property acquired by expropriation or otherwise under this Act shall stand in the stead of such land or property, and any claim to or encumbrance thereon shall, as respects the authority, be converted into a claim to or upon such compensation and shall no longer affect such land or property so acquired.

Character of
compensa-
tion.

22.—(1) Where at any time before the compensation has been actually ascertained or determined, land expropriated, or any part thereof, is found not to be required, or if it is found that a more limited estate or interest therein only is required, the authority may register in the proper registry office, a notice to the effect that the land or such part thereof is not required and is abandoned by the authority, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,—

Right of
authority
to abandon
land taken.

- (a) the land declared to be abandoned shall revest in the person from whom it was expropriated or in those entitled to claim under him; or
- (b) in the event of a limited estate or interest therein being retained by the authority, the land shall so revest subject to the estate or interest so retained.

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the

Effect upon
compensa-
tion.

other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages
where
abandon-
ment
complete.

(3) Where the whole of the land taken is abandoned, the person from whom it was taken shall be entitled to compensation for the damage sustained and costs incurred by him in consequence of the taking and abandonment, and the amount of such compensation shall be determined in the same manner, *mutatis mutandis*, as is provided by section 20, provided that if the amount of compensation for the expropriation of such land is being determined by the advisory board or the Ontario Municipal Board at the time of such abandonment, the advisory board or the Ontario Municipal Board, as the case may be, shall proceed forthwith to determine the compensation payable in consequence of the taking and abandonment.

Damage to
other lands.

Rev. Stat.,
cc. 278, 350,
45.

23.—(1) Where the carrying out or completion of any scheme injuriously affects any land whether by interfering with any work which has been constructed under *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Lakes and Rivers Improvement Act* or otherwise, the owner of such land may apply, in writing, to the authority in question for compensation and every such application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Report of
advisory
board.

(2) Upon receipt of an application for compensation under subsection 1, the authority shall direct a board of engineers to investigate such claim and upon the completion of such investigation the advisory board shall report to the authority whether the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the authority shall cause a true copy of such report to be sent to the applicant by prepaid registered mail.

Amount of
compensa-
tion.

(3) In determining what amount of money is fair compensation for damage occasioned, the advisory board, and on an appeal, the referee, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no
appeal.

(4) If within one month of the mailing of the copy of the report as provided in subsection 2, the applicant does not serve the authority with a notice of appeal in accordance with subsection 5, the authority may pay to the applicant the amount deemed by the advisory board to be reasonable compensation and thereafter no further claim shall be made against the authority in respect of such land.

(5) Any applicant who is dissatisfied with the report of the advisory board may within one month of the mailing of a copy of the report, appeal to the referee by sending a notice in writing of his desire to appeal to the authority by prepaid registered mail. ^{Appeal to referee.}

(6) Upon receipt of such notice of appeal the authority shall cause all necessary arrangements to be made for the hearing of the appeal by the referee and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing. ^{Arrangements for appeal.}

(7) The referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit, their witnesses, or upon the report of an independent engineer appointed by the referee, or he may direct the parties to proceed under the provisions of *The Municipal Drainage Act*, and the order of the referee as to the method of procedure shall be final. ^{Hearing of appeal.} ^{Rev. Stat., c. 278.}

(8) Upon an appeal taken to the referee under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the referee shall be limited to fixing the amount of compensation and enforcing payment thereof. ^{Rev. Stat., c. 278, to apply.}

24. Any drainage works undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority. ^{Future drainage works.}

25.—(1) Any tenant in tail or for life, guardian, tutor, curator, executor, administrator, committee or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, issue unborn, mental incompetents, mental defectives or other persons, seized, possessed or interested in any land or other property, may contract and agree with an authority for the sale of the whole or any part thereof, and may convey the same to the authority, and may also contract and agree with the authority as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under the provisions of this Act. ^{Contracts by tenants in tail, executors and others.}

Representa-
tion of
persons
under
disability.

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or other property is situate, may, after due notice to the persons interested, appoint a guardian or person to represent for any of the purposes mentioned in subsection 1, the person under disability.

Payment of
compensa-
tion up to
\$100.

26. If the compensation agreed upon, or found payable, does not exceed \$100, it may be paid to the person who under this Act may lawfully convey the land or property or agree as to the compensation, saving always the rights of any other person to such compensation as against the person receiving the same.

Payment of
compensa-
tion into
court.

27.—(1) In the cases provided for in section 25 the authority shall, and, in all other cases if for any reason the authority deems it advisable, it may pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at five per centum for six months.

Proceedings
after pay-
ment into
court.

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land is purchased, acquired or taken by the authority under the provisions of this Act, and calling upon all persons claiming compensation in respect of the purchase, acquisition or taking of the land or any part thereof to file their claims, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation and for securing the rights of all parties interested as to right and justice and to law appertains.

Adjustment.

(3) If such order of distribution is obtained in less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the authority, and if it is not obtained until after six months have expired the judge may order the authority to pay interest for such further period as may be deemed just.

Representa-
tion of
parties.

(4) Where unborn issue or an unascertained person or class of persons are interested in the compensation, the judge may appoint such person as may be deemed proper to represent or act for them, and any order made shall be binding on them.

28. Every person who has had any estate or interest in any land expropriated or who represents any such person shall upon demand made therefor by or on behalf of the authority which expropriated such land, furnish a true statement showing the particulars of such estate or interest and of every charge, lien or encumbrance to which it is subject and of the claim made by such person in respect of such estate or interest.

Power to
require par-
ticulars.

29.—(1) If any resistance or opposition is made by any person to an authority or to any person acting for it when entering upon and taking possession of land or exercising any power in respect thereof, the judge or junior judge of the county court of the county in which the land is situated may on proof of the execution of a conveyance to the authority or agreement therefor, or of the depositing of a plan and description in the proper registry or land titles office as provided by section 19 and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county directing him to put down such resistance or opposition and to put the authority, or some person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power.

Warrant for
possession.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the authority, or some person acting for it, in possession, and shall forthwith make return to the court of such warrant, and of the manner in which he executed the same.

Duty and
powers of
sheriff.

30.—(1) Where any lands required for the carrying out of a scheme or part thereof are Crown lands, a plan and description of such lands prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and the chief officer shall be deposited with the Minister of Lands and Forests and such scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of such Minister.

Affecting
Crown lands.

(2) Where any scheme, or any part thereof, may interfere with any public work of Ontario or of The Hydro-Electric Power Commission of Ontario, the authority shall file with the Minister of Public Works or with the said Commission, as the case may be, a plan and description of the scheme or part thereof together with a statement of the interference with such public work which may occur and a statement of the manner in which the authority proposes to remedy such interference, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Public Works or of the said Commission, as the case may be.

Interference
with public
work.

Interference
with
highway.

(3) Where any scheme, or any part thereof, will interfere with any public road or highway, the authority shall file with the Minister of Highways a plan and description of the scheme or part thereof together with a statement of the interference with such public road or highway which will occur and a statement of the manner in which the authority proposes to remedy such interference, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Highways.

Costs, how
to be borne.

(4) The cost of rebuilding any road, highway, bridge, public work or work of The Hydro-Electric Power Commission of Ontario or any part thereof and the cost of any other work which any of the Ministers of the Crown or the said Commission may require to be done under this section, shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario or the said Commission as the case may be.

Assessment
of lands of
Commission.

31.—(1) Land which is acquired by an authority by expropriation or otherwise may be assessed for municipal purposes at an amount not in excess of its assessed value immediately prior to such acquisition.

Works
exempt from
taxation.

(2) Works erected by an authority for the purposes of any scheme shall be exempt from municipal taxation.

Cemetery
lands.

32.—(1) Where the carrying out of any scheme will require the use of any cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in such cemetery or other place of interment.

Notice to
plot owners.

(2) The authority shall forward a notice to the owner of each lot in such cemetery or other place of interment, provided that if such owner or his whereabouts is unknown, such notice shall, wherever possible, be forwarded to some other person having an interest in such plot through relationship or otherwise to any deceased person buried therein.

Publication
of notice.

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,—

(a) that the cemetery or other place of interment has been acquired for the purposes of the authority;

- (b) that other land, describing it, has been acquired by the authority for the purpose of re-interring the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for re-interment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in such cemetery or other place of interment to be removed to any other place of interment at his own expense providing he obtains permission from the authority and effects such removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority may determine.

(4) The authority shall have full power to cause the removal of any body from any such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding the provisions of any other Act of this Legislature and to authorize the removal by any other person of any such body for re-interment in any other cemetery or place of interment.

Authority to remove bodies.

(5) Where any body is removed and re-interred any headstone and other stones shall be removed and re-erected at the place of re-interment.

Removal of headstones.

(6) The authority shall render lands, including fences and buildings, acquired for the re-interment of bodies, in a fit and proper condition and shall convey such land to the owner of the cemetery or other place of interment from which the bodies were removed.

Conveyance of lands for re-interment.

33.—(1) Subject to the right of an authority to use any water power created upon lands vested in it for its own uses which shall not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario shall have the sole right to use such water power, provided that The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the authority.

Use of water power.

(2) The Hydro-Electric Power Commission of Ontario shall pay to the authority an annual, reasonable compensation for the use of any such water power used by it.

Compensation for water power.

Determina-
tion of com-
pensation.

(3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, such amount shall be determined by a committee of three members comprising the chief officer of the authority, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or in the event that they are unable to agree, appointed by the Lieutenant-Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there shall be no appeal from such committee; provided that after ten annual payments of compensation the amount of compensation shall be redetermined by a like committee at the request of either the authority or the Commission.

Charge for
additional
power.

(4) Subject to review by The Hydro-Electric Power Commission of Ontario an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power, generated from increased head or flow due to the works undertaken by the authority.

When sec-
tion not to
apply.
Rev. Stat.,
c. 33.

(5) This section shall not apply to water power reserved to the Crown under the provisions of *The Public Lands Act*.

Determina-
tion of
capital ex-
penditure.

34.—(1) An authority may from time to time determine what moneys will be required for capital expenditure in connection with any scheme.

Portion to be
raised by
participating
municipali-
ties.

(2) The portion of the moneys so required which each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money
to be raised.

(3) Upon notice in writing of the amount required to be raised, signed by the chairman and secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise, such moneys as may be required by the authority for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Assessment
of municipa-
lities for
maintenance.

35.—(1) For the purpose of paying costs of maintenance, including maintenance of the works included in any scheme, office expenses and salaries, a sum may annually be levied by an authority against each of the participating municipalities.

Apportion-
ment of cost.

(2) After determining the approximate total cost of maintenance for the succeeding calendar year, the authority shall apportion such cost to the participating municipalities accord-

ing to the benefit derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the authority shall forthwith certify to the clerk of each participating municipality the total amount which has been so levied, and the clerk of the municipality shall calculate and insert the same in the collectors' roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the authority.

(3) An authority may enforce payment against any participating municipality of any portion of the cost of maintenance apportioned and assessed to such municipality as a debt due by such municipality to the authority. Enforcement of payment.

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors. Assent of electors not necessary.

37. All moneys required by this Act to be raised for the purposes of an authority shall be paid to the authority and the authority may spend such moneys as it deems proper, provided that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board. Moneys to be paid to authority.

38. The Lieutenant-Governor in Council may make a grant to any authority out of such funds as may be appropriated therefor by the Legislature. Grants.

39. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

40. This Act may be cited as *The Conservation Authorities Act, 1946*. Short title.

CHAPTER 12.

An Act to amend The Continuation Schools Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Continuation Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 359, s. 3, subs. 1, re-enacted.

- (1) Subject to the regulations and to the approval of the Minister, the public school board of a municipality, Establishment of schools. school section or township school area or a separate school board may establish and maintain a continuation school with a staff of at least two full-time teachers.

(2) The said section 3 is amended by adding thereto the following subsections: Rev. Stat., c. 359, s. 3, amended.

- (1a) The public school board of a municipality or school section or a separate school board which establishes a continuation school shall for the purposes of such continuation school be styled "The Board of Trustees of the Continuation School of School established by public or separate school board. ".

- (1b) Where a continuation school is established by a township school area board, the continuation school shall be under the control and management of a board appointed by a township school area board and composed of not more than two-thirds of the members thereof. School established by township school area board.

- (1c) The board of a continuation school which is established by a township school area board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School in the Township School Area of How board to be styled. ".

(3) Subsection 4 of the said section 3 is amended by striking out the word "committee" in the second line and inserting in Rev. Stat., c. 359, s. 3, subs. 4, amended.

lieu thereof the word "board", so that the said subsection shall now read as follows:

Management
of continua-
tion school
under board.

- (4) A continuation school established under subsection 3 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively.

Rev. Stat.,
c. 359, s. 3,
subs. 5,
amended.

- (4) Subsection 5 of the said section 3 is amended by striking out the word "committee" in the first line and inserting in lieu thereof the word "board", so that the said subsection shall now read as follows:

Board to
be a body
corporate.

- (5) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of the" (*naming the municipality or school section or sections*).

Rev. Stat.,
c. 359, s. 3,
subs. 11,
(1939, c. 44,
s. 3, subs. 2),
repealed.

- (5) Subsection 11 of the said section 3, as enacted by subsection 2 of section 3 of *The School Law Amendment Act, 1939*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 12,
(1939, c. 44,
s. 3, subs. 2),
re-enacted.

- (6) Subsection 12 of the said section 3, as enacted by subsection 2 of section 3 of *The School Law Amendment Act, 1939*, is repealed and the following substituted therefor:

Board,—
how com-
posed;

- (12) Where a school section which lies within a district in which a continuation school has been established under subsection 1 or 3 becomes part of a township school area and ceases to exist, the continuation school board shall be composed of,—

- (a) two members elected by the ratepayers of the former school section in which the continuation school is situated;
- (b) two members appointed by the board of any township school area, the whole or any part of which is included in the continuation school district; and
- (c) two members of any board which has jurisdiction over a public or a separate school which is within the continuation school district but outside the township school area of which the continuation school district forms a part.

where con-
tinuation
school dis-
trict and
township
school area
coincide.

- (13) Where under subsection 12 the continuation school district and the township school area coincide, the

township school area board shall be the continuation school board.

2. *The Continuation Schools Act* is amended by adding thereto the following section: Rev. Stat., c. 359, amended.

3a.—(1) Subject to the approval of the Minister, the board of a continuation school established under subsection 1 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the board by which it was established. Dissolution of continuation school.

(2) Subject to the approval of the Minister, the board of a continuation school established under subsection 3 of section 3 may by resolution dissolve such continuation school, whereupon all the assets and liabilities of the board shall become assets and liabilities of the respective boards by which it was established according to the terms of the agreement entered into thereunder. Idem.

(3) Where a continuation school district is absorbed as part of a high school district and the continuation school is dissolved, the high school board and the boards by which such school was established shall each appoint a representative who, with the clerk of each of the municipalities concerned, shall be arbitrators to value and determine the rights and obligations of each board with respect to,— Where continuation school district absorbed as part of high school district.

(a) the assets and liabilities of the continuation school board; and

(b) the disposition of the property of the board,

and in the event of dispute the matter shall be referred to the county or district judge having jurisdiction.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act.

4. This Act may be cited as *The Continuation Schools Amendment Act, 1946.* Short title.

CHAPTER 13.

An Act to amend The Co-operative Marketing Loan Act.

*Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Co-operative Marketing Loan Act* is amended by striking out all the words after the word "drying" in the fourth line and inserting in lieu thereof the words "processing or marketing farm products", so that the said clause shall now read as follows:

- (a) "Co-operative association" shall mean any co-operative corporation of producers incorporated under Part XII of *The Companies Act* for the purpose of grading, cleaning, packing, storing, drying, processing or marketing farm products.

2. Section 3 of *The Co-operative Marketing Loan Act* is amended by striking out the symbol and figures "\$5,000" in the third line of clause *a* and inserting in lieu thereof the symbol and figures "\$15,000", and by striking out the symbol and figures "\$50,000" in the fifth line of clause *b* and inserting in lieu thereof the symbol and figures "\$65,000", so that the said section shall now read as follows:

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make loans to co-operative associations to assist in carrying out their objects to the following extent, namely:

- (a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$15,000;
- (b) in the case of a co-operative cold storage association to an amount not exceeding fifty per centum of the approved value of the property on which the loan is to be made, but in no case to exceed the sum of \$65,000.

3. This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1946*.

CHAPTER 14.

An Act to amend The Coroners Act.

*Assented to April 5th, 1946.**Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat., c. 138, s. 3, subs. 4, re-enacted.

(4) Each of the said chief coroners shall be paid in lieu of all fees by the corporation of the city half-yearly such salary as may be fixed by the Lieutenant-Governor in Council and the corporation of the City of Toronto shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-third of such salary and the corporation of the City of Hamilton shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-half of such salary. Salary of chief coroner—Toronto, Hamilton.

2. Subsection 1 of section 7a of *The Coroners Act* as enacted by section 2 of *The Coroners Amendment Act, 1939*, is amended by inserting after the word "district" in the second line the words "or a provisional county", so that the said subsection shall now read as follows: Rev. Stat., c. 138, s. 7a, subs. 1 (1939, c. 9, s. 2), amended.

(1) In the case of a death occurring in a provisional judicial district or a provisional county at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him. Where death occurs in inaccessible district.

3. This Act may be cited as *The Coroners Amendment Act, 1946*. Short title.

CHAPTER 15.

An Act to amend The Cullers Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Cullers Act*, as enacted by Rev. Stat., c. 240, s. 1, cl. *a* (1943, c. 28, s. 12), re-enacted, section 12 of *The Statute Law Amendment Act, 1943*, is repealed and the following substituted therefor:

(a) "Cull" shall mean,

"Cull",—
meaning of.

(i) in reference to pulpwood, a log having less than one-half of its cubical content of sound wood, and

(ii) in reference to sawlogs, a log having less than one-third of its board measure of sound wood.

2. Section 7 of *The Cullers Act* is repealed and the following substituted therefor: Rev. Stat., c. 240, s. 7, re-enacted.

7.—(1) The Minister may issue a culler's license to any Culler's license.
person who,—

(a) has been recommended by a board as provided in section 5; and

(b) has taken the oath prescribed by section 8,

and may designate any such license as a pulpwood culler's license or a sawlog culler's license.

(2) Every license shall expire on the 31st day of March next following the date of the issue thereof. Expiration of license.

(3) A license may, upon application to the Minister, be renewed from time to time either before or after the expiration thereof or of the last renewal and every renewal shall expire on the 31st day of March next following the date thereof but where a license has Renewal of license.

not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

Suspension
or cancella-
tion of
license.

- (4) The Minister may suspend or cancel the license of a culler for failure to observe any of the provisions of the Act or of any requirement lawfully made by the Minister.

Effect of
license.

- (5) A person who is the holder of a license as culler of sawlogs shall be entitled thereunder to measure and cull pulpwood.

Rev. Stat.,
c. 240, s. 15,
re-enacted.

3. Section 15 of *The Cullers Act* is repealed and the following substituted therefor:

Penalty.

- 15.—(1) Every person who, not being the holder of a license under this Act performs or attempts to perform the duties of a culler, shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50 for each offence.

Idem.

- (2) Every person who, being the holder of a pulpwood culler's license only, performs or attempts to perform the duties of a sawlog culler, shall be guilty of an offence and liable to the penalties prescribed in subsection 1.

Rev. Stat.,
c. 240,
amended.

4. *The Cullers Act* is amended by adding thereto the following section:

Regulations.

19. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of licenses and renewals and other forms for use under this Act;
- (b) prescribing fees payable in respect of licenses and renewals thereof; and
- (c) generally for the better carrying out of the provisions of this Act.

Short title.

5. This Act may be cited as *The Cullers Amendment Act, 1946*.

CHAPTER 16.

An Act to amend The Damage by Fumes Arbitration Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act* as amended by section 2 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 51, s. 2,
subs. 1,
re-enacted.

- (1) Subject to section 3 where damage is occasioned by sulphur fumes arising from the smelting or roasting of nickel-copper ore or iron ore, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award.

Where crops,
etc.,
damaged by
sulphur
fumes.

2. Section 3 of *The Damage by Fumes Arbitration Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 51, s. 3,
amended.

- (3a) The arbitrator shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the arbitrator shall form the record.

Evidence.

3. Section 4 of *The Damage by Fumes Arbitration Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 51, s. 4,
re-enacted.

4. Subject to section 4a the award of the arbitrator shall be final and binding upon the parties and shall not be questioned, reviewed, restrained or removed by prohibition, injunction, *certiorari* or other process or

Effect of
award.

proceeding in any court and on being filed in the office of the clerk of the county or district court such award shall, for the purpose of issuing execution thereon, have the same force and effect as a judgment of the said court.

Rev. Stat.,
c. 51,
amended.

4. *The Damage by Fumes Arbitration Act* is amended by adding thereto the following section:

Appeal.

4a.—(1) The person aggrieved or person, company or corporation offending, may appeal from the award of the arbitrator to the Ontario Municipal Board by serving or sending by prepaid mail notice in writing of such appeal to the arbitrator and to the person aggrieved, or the person, company or corporation offending, as the case may be, within twenty days of the making of the award as provided in subsection 3 of section 3.

Form of
notice.

(2) The notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process.

Summons to
attend;
dismissal of
appeal.

(3) Within thirty days from the service of the notice of the appeal the Ontario Municipal Board shall, upon the application of any appellant, grant a summons calling upon all parties to attend before it on the day and hour named therein when the hearing of the appeal will be proceeded with and if no such application is made within such thirty days, the Board upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

Appeal on
record.

(4) The appeal shall be heard and determined upon the record had and taken before the arbitrator and the Ontario Municipal Board may upon such hearing, make such order as it may deem fit affirming, reversing or amending the award appealed from and the award as affirmed, reversed or amended, or the order of the Board, as the case may be, shall have the same force and effect and may be enforced in the manner prescribed in section 4.

Finality
of order.

(5) The order of the Ontario Municipal Board shall be final and binding upon all parties and not subject to appeal.

General
powers.

(6) The Ontario Municipal Board shall have the same powers to,—

- (a) fix and collect fees;
- (b) fix and order the payment of costs; and
- (c) prescribe rules of practice and procedure,

with respect to appeals and proceedings under this Act as it has under *The Ontario Municipal Board Act*. Rev. Stat., c. 60.

5. Section 5 of *The Damage by Fumes Arbitration Act*, Rev. Stat., c. 51, s. 5, re-enacted. as amended by section 3 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is repealed and the following substituted therefor:

5.—(1) A sum not exceeding \$10,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore. Expenses.—how repayable to Province.

(2) The arbitrator at the close of each calendar year, shall assess and apportion the amount for which each company smelting or roasting nickel-copper ore or iron ore is liable under subsection 1, among such companies and the amount assessed against each company shall be payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company, but every assessment so made shall be subject to the approval of the Minister of Mines. Arbitrator to assess companies liable.

6. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1946*. Short title.

CHAPTER 17.

An Act respecting Day Nurseries.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of a local municipality within the meaning of *The Municipal Act* may by by-law provide for the establishment of day nurseries for the care and feeding of young children. Establishment of day nurseries.
Rev. Stat., c. 266.

(2) A by-law passed under subsection 1 may provide for the establishment of day nurseries directly by the municipality or by any organization named in the by-law and approved by the Minister, but in either event, in order to qualify for a grant under this Act, the council of the municipality shall be responsible for the efficient and satisfactory operation thereof and for furnishing to the Minister such reports and other information as he may require. Establishment of day nurseries by municipality or organizations.

2. There shall be paid to every local municipality in respect of every day nursery established under section 1 and which is conducted in accordance with the requirements of the regulations, an amount equal to one-half of the amount paid out or contributed by the local municipality for the operation and maintenance of the day nursery, computed in the manner prescribed by the regulations. Contribution by Province.

3.—(1) The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) governing and regulating the operation of day nurseries;
- (b) requiring any class or classes of day nurseries to be licensed and providing for the issue, renewal, suspension and cancellation of licences;
- (c) prescribing the manner of computing the cost of operation and cost of maintenance of a day nursery for the purposes of section 2; and

(d) generally for the better carrying out of the provisions of this Act.

Application
of regula-
tions.

(2) The regulations mentioned in clauses *a*, *b* and *d* may be made applicable to day nurseries generally or may be restricted in their application to day nurseries established under section 1.

Penalties.

4.—(1) Every person who contravenes any of the provisions of the regulations shall be guilty of an offence and liable to a penalty not exceeding \$50 for a first offence and not exceeding \$100 for a second or subsequent offence.

Recovery of
penalties.

(2) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Appropriation
of
money.

5. All sums payable under this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Moneys paid
and payable
under agree-
ment.

6. The payment of all moneys paid by the Province in respect of day nurseries pursuant to any agreement or scheme which had for its purpose the establishment and operation of day nurseries during a period of emergency occasioned by the war with Germany and Japan is ratified and confirmed and any moneys presently owing by the Province under any such agreement or scheme may be paid out of such moneys as may be appropriated therefor by the Legislature.

Disposi-
tion of
property.

7. The Lieutenant-Governor in Council may make such disposition as he deems proper of any real or personal property acquired for the purposes of day nurseries or for any like purpose by His Majesty in right of Ontario prior to the coming into force of this Act and in particular may convey, transfer or grant any such property to a municipal corporation or a local board thereof for use in connection with the operation of a day nursery or otherwise.

Short title.

8. This Act may be cited as *The Day Nurseries Act, 1946*.

CHAPTER 18.

An Act respecting Dental Technicians.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Governing Board of Dental Technicians;
- (b) "dental technician" shall mean any person who upon the prescriptions or orders of legally qualified dentists or physicians makes, produces, reproduces, constructs, furnishes, supplies, alters or repairs any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof; and
- (c) "register" shall mean register under this Act.

"register".

2.—(1) There shall be established a Board of Governors ^{Board.} to be known as the Governing Board of Dental Technicians, to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

(2) Of the members of the Board first appointed, two shall hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for re-appointment at the expiration of his term of office. ^{Term of office.}

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment, by the Lieutenant-Governor in Council, of a person to hold office for the remainder of the term of such member. ^{Vacancies.}

Officers.

(4) The Lieutenant-Governor in Council may designate one of the members of such Board to be the first chairman, one to be the first vice-chairman and one to be the first secretary-treasurer of the Board, and thereafter their successors in office shall be elected by the Board from time to time from amongst its members.

Regulations.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration not exceeding \$25 for each person registered;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon not exceeding \$25 annually for each person registered;
- (d) prescribing the discipline and control of registered technicians, including the adoption and enforcement of any reasonable canons of ethics;
- (e) providing for the investigation of any complaint that a dental technician has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent;
- (g) defining "misconduct" for the purpose of this section and the regulations;
- (h) providing for the payment of reasonable fees and disbursements to members of the Board in respect to the discharge of the duties of the Board; and
- (i) generally for the better carrying out of the provisions of this Act.

(2) All regulations made by the Board shall be submitted in writing to The Royal College of Dental Surgeons of Ontario not less than thirty days before being submitted to the Lieutenant-Governor in Council for approval, and any submissions on the part of the College with respect to any such regulations shall be presented to the Lieutenant-Governor in Council with the application for approval of the regulations.

Submission
to College.

4.—(1) Any person registered under this Act shall have the right to use the designation "Registered Dental Technician" and may describe his business as a dental laboratory.

Designa-
tion.

(2) No person shall be entitled to use the designation "Dental Technician" or "Registered Dental Technician" or any other name, title, initials or description implying that he is a dental technician, unless he is registered under the provisions of this Act.

use of
prohibited.

5. Nothing in this Act or the regulations shall apply to or affect the practice of any profession or calling by any person practising the profession or engaged in the calling under the authority of any general or special Act of this Legislature.

Right to
practise
profession.

6.—(1) Nothing in this Act or the regulations shall be deemed to prohibit any person from working as an employee of a legally qualified dentist, and in the course of or as the whole or a part of his duties as such employee, performing for his employer work or services of a kind ordinarily performed by a dental technician.

Employee
of dentist.

(2) Nothing in this Act shall be deemed to prohibit,—

Performance
of work
by others.

(a) a dentist within the meaning of *The Dentistry Act*;

(b) a physician within the meaning of *The Medical Act*;

(c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician; or

(d) apprenticed dental technicians and other persons working as employees of a registered dental technician,

from performing work or services ordinarily performed by a dental technician.

(3) Nothing in this section shall be deemed to permit any person who is not a registered dental technician to engage generally in the service of dentists or of two or more dentists in the performance of the work of a dental technician but working in the service of a firm or association of dentists

General
work
prohibited.

practising as partners or similarly associated with one another shall be deemed working in the service of one dentist.

Corpora-
tions.

7. Nothing in this Act shall be deemed to prohibit any registered dental technician from carrying on business as a dental technician through and in the name of a corporation where the corporation has a registered dental technician in charge of its operations, but in such case, each of such dental technicians shall be deemed guilty of any infringement of *The Dentistry Act* or of this Act or of the regulations thereunder committed by such corporation.

Rev. Stat.,
c. 227
to apply.

8. Nothing in this Act or the regulations shall limit, alter or affect the application of any provision of *The Dentistry Act* or of any by-law made thereunder.

Offences.

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician or who advertises or uses or affixes any prefix to his name signifying that he is qualified to carry on business as a dental technician shall be guilty of an offence and shall incur a penalty of \$50 for a first offence, \$100 for a second offence, and \$200 for a third or subsequent offence.

Proof of
registration.

10.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered dental technicians in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purporting to be signed by any person in his capacity of secretary-treasurer of the Board, shall be *prima facie* evidence of his signature and appointment or election.

Idem.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Idem.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Entitlement
to regis-
tration.

11. Any person carrying on business as a dental technician on the 31st day of March, 1946, shall be entitled as of right to registration upon applying to the Board for registration and paying the fee for registration prescribed by the regulations.

12. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties.
Rev. Stat.,
c. 136.

13. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of Act.

14. This Act may be cited as *The Dental Technicians Act*, Short title.
1946.

CHAPTER 19

An Act to amend The Department of Education
Act.

Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause i of clause a of section 5 of *The Department of Education Act* is repealed. Rev. Stat.,
c. 356, s. 5,
cl. a,
subcl. i,
repealed.
2. This Act may be cited as *The Department of Education Amendment Act, 1946*. Short title.

CHAPTER 20.

An Act to amend The Department of Municipal Affairs Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act*, as amended by section 1 of *The Department of Municipal Affairs Amendment Act, 1942*, is repealed and the following substituted therefor:

(f) "Municipality" shall mean the corporation of a county, city, town, village, township or improvement district and shall include a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs in an unorganized township or unsurveyed territory;

2. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

9a. The Department shall in respect of any municipality or class thereof have power, notwithstanding any other Act,—

(a) to prescribe the form of assessment returns, assessment rolls or collector's rolls and the particulars to be set down therein, or combine or vary the same from time to time;

(b) upon the application of a municipality to extend for any period not exceeding sixty days the time for the return of the assessment roll or for making the revision or any final revision thereof, for making the report of the county assessor, for the examination of assessment rolls for the purpose of equalization, for the passing of an equalization by-law, or for the disposition of an equalization appeal;

Rev. Stat.,
c. 272.

- (c) to order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act* shall not apply and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition shall be subject to the approval of the Department.

Rev. Stat.,
c. 59, s. 32,
subs. 1,
amended.

3.—(1) Subsection 1 of section 32 of *The Department of Municipal Affairs Act*, as amended by subsections 2, 3 and 4 of section 21 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words “and order” in the fifth line and inserting in lieu thereof the words “or direct”, so that the first five lines of the said subsection shall now read as follows:

Powers of
Board with
respect to
debt.

- (1) Where a municipality has become subject to this Part the Board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize or direct,—

Rev. Stat.,
c. 59, s. 32,
subs. 2,
cls. a, b
(1938,
c. 10, s. 2),
amended.

(2) Clauses *a* and *b* of subsection 2 of the said section 32, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1938*, are amended by striking out the words “and order” where they occur in the first line of each of the said clauses and inserting in lieu thereof in each instance the words “or direct”, so that the said clauses shall now read as follows:

- (a) authorize or direct any municipality, whether or not it has become subject to this Part, to continue to guarantee any such debentures notwithstanding any postponement or variation in the terms, provisions and time of payment thereof, and to guarantee any new debentures issued in substitution and exchange therefor;
- (b) authorize or direct any municipality, whether or not it has become subject to this Part, to assume and pay by the issue of debentures or otherwise a share of any liability in respect of which such municipality may be jointly or jointly and severally liable with any other municipality, which share may be either in full satisfaction of such liability of such municipality or on account thereof, and, if on account, the Board may order that provision be made for further payment in respect thereof.

4. Section 34 of *The Department of Municipal Affairs Act*, ^{Rev. Stat., c. 59, s. 34, amended.} as amended by section 3 of *The Department of Municipal Affairs Amendment Act, 1938*, is further amended by adding thereto the following subsection:

- (5) When a matter is being dealt with by the Board ^{When matter to be varied.} under this section and the Board intends to vary the terms thereof, it shall, before so doing, give or direct that there be given notice of such intention to such persons and in such manner as to the Board may seem proper and such notice shall state the time and place when such variation is to be dealt with by the Board, which time shall not be less than two weeks after the notice.

5. Section 39 of *The Department of Municipal Affairs Act* ^{Rev. Stat., c. 59, s. 39, amended.} is amended by inserting after the word "bank" in the fourth line the words "the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*", so that the said section shall now read as follows:

39. The Department shall have full charge and control ^{Department to have control over moneys and their application.} over all moneys belonging to the municipality and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank, the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*, ^{Rev. Stat., c. 257.} to be designated by the municipality and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the Department may approve and direct, and all cheques drawn and issued by the municipality shall be signed and countersigned by such persons and in such manner as the Department may authorize and no moneys belonging to or revenues of the municipality may be appropriated, applied, paid, used, transferred or withdrawn by any person except with the approval of or otherwise than directed by the Department.

6. Subsection 1 of section 44 of *The Department of Municipal Affairs Act*, ^{Rev. Stat., c. 59, s. 44, sub-s. 1, re-enacted.} as amended by subsection 3 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

- (1) The owner of or any person appearing by the records ^{Right of redemption.} of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within

one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 43, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 59,
amended.

7. *The Department of Municipal Affairs Act* is amended by adding thereto the following sections:

Conveyance
to former
owner, etc.

47a. Notwithstanding the provisions of this or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 43 shall at any time, with the approval of the Department, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of such conveyance.

- 47b. The proceeds derived from the sale or other disposition of lands that become the property of the municipality by virtue of section 43 shall be distributed in such manner and in such amounts as may be agreed upon, or failing agreement, as the Department may direct, to the bodies that would have received the proceeds of taxes on such lands, if taxes had been collected in the usual way.
- Proceeds of sale, etc., to be distributed.

8. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1946*. Short title.

CHAPTER 21.

An Act to amend The Department of Public Welfare Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Department of Public Welfare Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 61, s. 1,
cl. *b*, re-
enacted.

(*b*) "Minister" shall mean Minister of Public Welfare. "Minister".

2. Section 3 of *The Department of Public Welfare Act* is amended by striking out the word "Department" in the first line and inserting in lieu thereof the word "Minister". Rev. Stat.,
c. 61, s. 3,
amended.

3.—(1) Clauses *f* and *g* of section 4 of *The Department of Public Welfare Act* as enacted by section 1 of *The Department of Public Welfare Amendment Act, 1942*, are repealed. Rev. Stat.,
c. 61, s. 4,
cls. *f*, *g*,
(1942, c. 10,
s. 1), re-
pealed.

(2) Section 4 of *The Department of Public Welfare Act* as amended by section 1 of *The Department of Public Welfare Amendment Act, 1942*, is further amended by striking out the word "Department" in the first line and inserting in lieu thereof the word "Minister", and by adding thereto the following clause:

(*f*) declare any institution or organization to be a charitable institution.

4. Section 5 of *The Department of Public Welfare Act* is amended by striking out the word "Department" in the first line and inserting in lieu thereof the word "Minister". Rev. Stat.,
c. 61, s. 5,
amended.

5. Section 7 of *The Department of Public Welfare Act* is amended by inserting after the word "inspector" where it occurs in the third, fifth and sixth lines respectively the words "or supervisor", and by striking out the word "Department" in the fourth line and inserting in lieu thereof the word "Minister". Rev. Stat.,
c. 61, s. 7,
amended.

6. This Act may be cited as *The Department of Public Welfare Amendment Act, 1946*. Short title.

CHAPTER 22.

An Act respecting the Department of Reform
Institutions.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) "Department" shall mean Department of Reform Institutions; and "Depart-
ment";

(b) "Minister" shall mean Minister of Reform Insti- "Minister".
tutions.

2. There shall be a department of the public service to be known as the Department of Reform Institutions over which the Minister shall preside and have charge. Department
of Reform
Institu-
tions.

3. The Minister shall be responsible for the administration of,— Acts to be
adminis-
tered.

(a) *The Andrew Mercer Reformatory Act;*

(b) *The Extramural Employment of Persons under Sentence Act;*

(c) *The Female Patients and Prisoners Protection Act;*

(d) *The Female Refugees Act;*

(e) *The Gaols Act;*

(f) *The Industrial Farms Act;*

(g) *The Parole Act, 1946;*

(h) *The Public Institutions Inspection Act;*

(i) *The Reformatory Act;* and

(j)

(j) *The Training Schools Act,*

and the regulations thereunder and such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant-Governor in Council.

Expenses of
Department.

4. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated by the Legislature.

Powers of
investiga-
tion.

5. The Minister may direct any officer of the Department or any other person to investigate and inquire into and report to him upon any matter connected with or affecting,—

(a) any institution coming under his jurisdiction or supervision;

(b) the welfare of the inmates of any such institutions or of persons who are on parole pursuant to the provisions of *The Parole Act, 1946*; and

1946,
c. 69.

(c) the administration of the Department.

Commence-
ment of Act.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Department of Reform Institutions Act, 1946*.

CHAPTER 23.

An Act respecting the Department of Travel and
Publicity.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Department" shall mean Department of Travel and Publicity; "Depart-
ment";
- (b) "Minister" shall mean Minister of Travel and Publicity; and "Minister";
- (c) "regulations" shall mean regulations made under the authority of this Act. "regula-
tions".

2. There shall be a department of the public service of Ontario to be known as the Department of Travel and Publicity over which the Minister shall preside and have charge. Department
of Travel
and Pub-
licity.

3. The objects of the Department shall be to develop the tourist industry in Ontario by encouraging and promoting improvement in the standards of accommodation, facilities and services offered to tourists and to undertake the publicizing of the tourist industry and of the resources, attractions and advantages of Ontario. Purpose of
Department.

4. The Minister shall be responsible for the administration of such Acts and regulations made thereunder as may be assigned to him by the provisions thereof or by the Lieutenant-Governor in Council. Responsi-
bility of
Minister.

5. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated by the Legislature. Expenses of
Department.

6. The Minister may direct any officer of the Department or any other person to investigate, inquire into and report to Investiga-
tion and
inquiry.

him upon any matter connected with or affecting the tourist industry including accommodation, facilities or services offered to tourists, or the advertising or publicizing thereof or of the resources, attractions or advantages of Ontario and for the purposes of the investigation and inquiry such officer or other person shall have all the powers and authority which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Regula-
tions.

7. The Lieutenant-Governor in Council may make regulations regulating the form and contents of all or any class of advertising matter relating to hotels, summer resorts, fishing, hunting, travel, vacationing or other accommodation or facilities for tourists.

Distribu-
tion of
advertising
matter.

8. No person shall distribute within or send from Ontario any advertising matter relating to hotels, summer resorts, fishing, hunting, travel, vacationing or other accommodation or facilities for tourists which does not comply with the requirements of the regulations.

Penalty.

9.—(1) Every person who violates any of the provisions of this Act or the regulations shall be liable to a penalty of not exceeding \$100.

Recovery of
penalty.
Rev. Stat.,
c. 136.

(2) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Department of Travel and Publicity Act, 1946*.

CHAPTER 24.

An Act to amend The District Houses of Refuge Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 14 of *The District Houses of Refuge Act* is amended by striking out the words "seventy cents" in the sixth line and inserting in lieu thereof the words "one dollar", so that the said subsection shall now read as follows:

- (1) Where an inmate in a district house of refuge was at the time of his admission a resident in a municipality in a territorial district other than the one for which the house of refuge is established, such municipality shall if the inmate is an indigent person be liable to pay to the board for the maintenance of such inmate at the rate of one dollar per day for every day in which he is an inmate in the house of refuge.

Rev. Stat.,
c. 386, s. 14,
subs. 1,
amended.

Liability for
indigent in-
mates from
municipi-
palities
in other
districts.

2. This Act may be cited as *The District Houses of Refuge Amendment Act, 1946.*

Short title.

CHAPTER 25.

An Act to amend The Evidence Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Evidence Act* is amended by adding thereto the following section: Rev. Stat.,
c. 119,
amended.

5a. Without limiting the generality of section 5, a husband or a wife may in any action, give evidence Evidence of
husband and
wife. that he or she did or did not have sexual intercourse with the other party to the marriage at any time or within any period of time before or during the marriage.

2. This Act may be cited as *The Evidence Amendment Act*, Short title 1946.

CHAPTER 26.

An Act to amend The Executive Council Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Executive Council Act* as amended by section 1 of *The Executive Council Amendment Act, 1944*, is further amended by inserting after the word "Development" in the amendment of 1944, the words "a Minister of Travel and Publicity, a Minister of Reform Institutions", so that the said section shall now read as follows:

Rev. Stat.,
c. 14, s. 2,
amended.

2. The Lieutenant-Governor may appoint under the Great Seal from among the Ministers of the Crown the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Planning and Development, a Minister of Travel and Publicity, a Minister of Reform Institutions, and such other Ministers as he may see fit, and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

Heads of
depart-
ments.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Executive Council Amendment Act, 1946*.

Short title.

CHAPTER 27.

An Act to amend The Factory, Shop and Office Building Act,

*Assented to April 5th, 1946.**Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 25 of *The Factory, Shop and Office Building Act* Rev. Stat., c. 194, s. 25, amended. is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows:

25. The Lieutenant-Governor in Council may prohibit Prohibiting employment of young girls and youths. the employment of young girls and youths in factories the work in which he deems dangerous or unwholesome.

2. *The Factory, Shop and Office Building Act* is amended Rev. Stat., c. 194, amended. by adding thereto the following section:

83.—(1) In this section "hotel" shall mean a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as "boarding houses" or of furnishing living quarters for families and having a dining-room or restaurant commonly known as "apartment houses" or "private hotels". "Hotel",—meaning of.

(2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conduct of any ice-cream parlour, restaurant or cafe, the keeper of an hotel shall not be required,— Sale of non-intoxicating drinks, etc.

(a) to obtain any license issued by a municipal authority; or

(b) to comply with any by-law relating to early closing.

Short title. **3.** This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1946.*

CHAPTER 28.

An Act to amend The Farm Products Grades and Sales Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *ff* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as enacted by section 16 of *The Statute Law Amendment Act, 1943*, and clause *g* of subsection 1 of the said section 2, are repealed and the following substituted therefor:

Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *ff*
(1943,
c. 28, s. 16),
repealed;
cl. *g*, re-
enacted.

- (g) providing for the issuing of licences for engaging in the marketing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (h) prohibiting persons from engaging in the marketing of farm products and from operating markets for farm products except under the authority of a licence under this Act;
- (i) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor; and
- (j) generally for the better carrying out of the provisions of this Act.

2. Section 4 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 307, s. 4,
amended.

- (3) No person shall obstruct any inspector or refuse to permit any farm product to be inspected or furnish an inspector with false information.
- (4) Every person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any farm product.

Obstruction
of inspector.

Production
of docu-
ments.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1946.*

CHAPTER 29.

The Farm Products Marketing Act, 1946.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Farm Products Marketing "Board";
Board;
- (b) "farm products" shall include animals, meats, eggs, "farm products";
poultry, wool, dairy products, grains, seeds, fruit,
fruit products, vegetables, vegetable products, maple
products, honey, tobacco and such articles of food
or drink manufactured or derived in whole or in part
from any such product and such other natural pro-
ducts of agriculture as may be designated by the
regulations;
- (c) "licence" shall mean a licence provided for under the "licence";
regulations;
- (d) "local board" shall mean a board constituted under a "local
scheme; board";
- (e) "marketing" shall include advertising, buying, financ- "market-
ing, selling, transporting, shipping for sale or storage ing";
and offering for sale, but shall not include buying and
selling by retail;
- (f) "Minister" shall mean Minister of Agriculture; "Minister";
- (g) "regulated product" shall mean a farm product in "regulated
respect of which a scheme is in force; product";
- (h) "regulations" shall mean regulations made under this "regula-
Act; and tions";

"scheme".

- (i) "scheme" shall mean any scheme for the marketing or regulating of any farm product which is in force under this Act. R.S.O. 1937, c. 75, s. 1; 1938, c. 11, s. 2; 1939, c. 14, s. 1, *amended*.

Board to be body corporate.

Rev. Stat., c. 75.

2.—(1) The body corporate heretofore established under *The Farm Products Control Act* and known as "The Farm Products Control Board" is continued and shall hereafter be known as "The Farm Products Marketing Board". R.S.O. 1937, c. 75, s. 2 (1), *amended*.

Constitution of Board.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. 1938, c. 11, s. 3.

Chairman.

(3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances to members.

(4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Officers, clerks, etc.—appointment of.

(5) The Board, subject to the approval of the Lieutenant-Governor in Council, may appoint such officers, clerks and employees as it deems necessary, and the remuneration of such officers, clerks and employees shall be determined by the Lieutenant-Governor in Council.

Authority of Board.

3.—(1) The Board shall have authority to,—

- (a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of farm products or between any two of such classes of persons;
- (b) investigate the cost of producing, processing, distributing and transporting any farm product, prices, price-spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of farm products;
- (c) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme;
- (d) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product;

- (e) exempt from any scheme or any order or direction of the Board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;
- (f) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board, require such persons to furnish such information in regard to the regulated product as the Board may determine, and inspect the books and premises of such persons;
- (g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product;
- (h) refuse to grant any licence for any reason which the Board may deem sufficient;
- (i) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;
- (j) by such means as it may deem proper, stimulate, increase and improve the marketing of farm products. R.S.O. 1937, c. 75, s. 3 (1); 1938, c. 11, s. 4 (1); 1939, c. 13, s. 2, *amended*.

(2) Upon any investigation under this section the Board shall have the same powers as a commissioner under *The Public Inquiries Act*. R.S.O. 1937, c. 75, s. 3.(2). Powers of investigation.
Rev. Stat.,
c. 19.

(3) The Board may delegate to a local board such of its powers as may be necessary for the proper enforcement of any scheme under which a local board is constituted, and may, at any time, terminate such delegation of power. Delegation of powers.

(4) The Board may require a local board to furnish information relating to any product regulated by the scheme under which the local board is constituted. 1938, c. 11, s. 4 (2). Furnishing information.

(5) Every local board shall be a body corporate. *New.* Local board to be body corporate.

4.—(1) Where the Board receives from any group of persons engaged in the marketing of any farm product, a Approval of scheme of marketing.

petition or request asking that any scheme for the marketing or regulation of such farm product, including the establishment of a local board, be adopted, the Board may, if it is of opinion that such group of persons is fairly representative of the persons engaged in the phase of marketing represented by such group, recommend the adoption of such scheme to the Minister. R.S.O. 1937, c. 75, s. 6 (1), *amended*.

Declaring
scheme in
force.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may approve a scheme or any part thereof with such variations or alterations as may be deemed necessary, and may declare it to be in force in Ontario or in any part thereof. R.S.O. 1937, c. 75, s. 6 (2); 1938, c. 11, s. 5.

Penalty.

5. Any person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board, shall be guilty of an offence and liable to a penalty not exceeding \$50 and for a subsequent offence to a penalty of not less than \$50 and not exceeding \$500. R.S.O. 1937, c. 75, s. 8 (1).

Failure to
pay deter-
mined price.

6.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 5, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Distribution
of penalty.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price. 1939, c. 14, s. 5, *part*.

Recovery of
penalties.

7. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 14, s. 5, *part*.

Rev. Stat.,
c. 136.

Regulations.

8.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

(a) regulating and controlling the marketing of farm products, including the agency through which such products may be marketed, within Ontario;

(b) providing for the licensing by the Board of persons engaged in the marketing or processing of any farm product and fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments;

(c)

- (c) providing that any class of licence fees shall be payable to a local board to be used by it for the purpose of carrying out and enforcing the provisions of this Act, the regulations and the scheme under which the local board is established;
- (d) prescribing the form of licences and the terms and conditions upon which such licences may be issued, renewed, suspended or revoked;
- (e) providing for the making of returns or the furnishing of information by any person licensed under this Act;
- (f) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force;
- (g) providing for the furnishing of security or proof of financial responsibility by persons who purchase farm products for resale;
- (h) exempting any person or class of persons from the provisions of the regulations or any portion thereof;
- (i) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product; and
- (j) generally for the better carrying out of the provisions of this Act. R.S.O. 1937, c. 75, s. 4 (1); 1939, c. 14, s. 3, *amended*.

(2) Any regulations made under this section may be limited as to time and place. R.S.O. 1937, c. 75, s. 4 (2). Regulations may be limited.

9. The moneys required for the purpose of the administration of this Act shall be paid out of such sums as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 75, s. 2 (3-6). Administration of Act.

10. Subject to the provisions of this Act which are applicable to the regulations and to schemes and to local boards, the regulations made and every scheme declared to be in force under *The Farm Products Control Act* shall continue in full force and effect under this Act and every local board constituted under any such scheme is continued and shall be deemed to be a local board within the meaning of this Act. *New.* Regulations and schemes under Rev. Stat., c. 75, continued in force.

11. *The Farm Products Control Act, The Farm Products Control Amendment Act, 1938, The Farm Products Control* Rev. Stat., c. 75; 1938, s. 11, 1939, s. 14, 1940, s. 11, repealed.

Amendment Act, 1939, and section 11 of *The Statute Law Amendment Act, 1939*, are repealed.

Commence-
ment of Act.

12. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Farm Products Marketing Act, 1946*.

CHAPTER 30.

An Act to amend The Fatal Accidents Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 3 of *The Fatal Accidents Act*, Rev. Stat., c. 210, s. 3, subs. 1a (1943, c. 6, s. 1), re-enacted. as enacted by section 1 of *The Fatal Accidents Amendment Act, 1943*, is repealed and the following substituted therefor:

(1a) In an action brought under this Act where funeral **Funeral expenses.** expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding \$250 for necessary expenses of the burial of the deceased including transportation and things supplied and services rendered in connection therewith.

2. This Act may be cited as *The Fatal Accidents Amendment Act, 1946*. Short title.

CHAPTER 31.

An Act to amend The Fire Departments Act.

Assented to April 5th, 1946.

Session Prorogued April 5th, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Fire Departments Act* is amended by adding thereto the following section: Rev. Stat.,
c. 282,
amended.

- 1c. Notwithstanding the provisions of sections 1a and 1b the council of any municipality may establish any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours a week and the hours off duty are free from all fire department duties or calls, provided that in the case of a serious emergency requiring the services of every member of the fire department the chief of the fire department may in his discretion recall to duty the firemen who are not on duty. Alternative
system.

2. This Act may be cited as *The Fire Departments Amend-ment Act, 1946.* Short title.

CHAPTER 32.

An Act to amend The Forest Fires Prevention Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forest Fires Prevention Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 325, s. 1,
amended.

(bb) "officer or agent" shall mean any person employed or appointed by or with the approval of the Minister to assist in enforcing the provisions of this Act. "Officer
or agent",
defined.

2.—(1) Subsection 1 of section 2 of *The Forest Fires Prevention Act* is amended by striking out the words "by proclamation" in the first and second lines and the words "described in the proclamation" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 325, s. 2,
subs. 1,
amended.

(1) The Lieutenant-Governor in Council may declare any part of Ontario a fire district. Declaration
as to fire
districts.

(2) Subsections 2 and 3 of the said section 2 are repealed. Rev. Stat.,
c. 325, s. 2,
subs. 2, 3,
repealed.

3. Sections 3 and 4 of *The Forest Fires Prevention Act* are repealed. Rev. Stat.,
c. 325,
ss. 3, 4,
repealed.

4. Section 6 of *The Forest Fires Prevention Act* is amended by striking out the words "accept nominations from the licensees of" in the first and second lines and inserting in lieu thereof the word "appoint", so that the said section shall now read as follows: Rev. Stat.,
c. 325, s. 6,
amended.

6. The Minister may appoint honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department. Honorary
fire wardens.

Rev. Stat.,
c. 325, s. 7,
subs. 2,
amended.

5. Subsection 2 of section 7 of *The Forest Fires Prevention Act* is amended by striking out all the words after the word "Minister" in the second line, so that the said subsection shall now read as follows:

Appoint-
ments.

(2) Every such appointment shall be made or approved by the Minister.

Rev. Stat.,
c. 325, s. 8,
subs. 2,
amended.

6. Subsection 2 of section 8 of *The Forest Fires Prevention Act* is amended by inserting after the word "by" in the third line the words "this Act and", so that the said subsection shall now read as follows:

Setting out
fire in close
season.

(2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by this Act and the regulations.

Rev. Stat.,
c. 325, s. 10,
cl. g,
amended.

7.—(1) Clause g of section 10 of *The Forest Fires Prevention Act* is amended by striking out the words "the provincial forester, or any officer or servant of the Department" in the first and second lines and inserting in lieu thereof the words "any officer or agent".

Rev. Stat.,
c. 325, s. 10,
cl. h,
amended.

(2) Clause h of the said section 10 is amended by striking out the words "locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil" in the second, third and fourth lines and inserting in lieu thereof the words "all engines", so that the said clause shall now read as follows:

Protective
appliances
on engines.

(h) prescribing and regulating the use of fire protective appliances on all engines, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation.

Rev. Stat.,
c. 325, s. 10,
cl. i,
amended.

(3) Clause i of the said section 10 is amended by striking out the words "the provincial forester, or any officer of the Department" in the second and third lines and inserting in lieu thereof the words "any officer or agent".

Rev. Stat.,
c. 325, s. 11,
re-enacted.

8. Section 11 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Powers of
Minister
as to
clearing
of land.

11.—(1) Wherever an officer or agent finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in his opinion, is necessary to remove such

danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

- (2) The cost of any work done by him or his assistants ^{Cost of work} under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Minister by action in any court of competent jurisdiction.

- (3) Any person who neglects or refuses to carry out any ^{Penalty.} order or direction given under the authority of subsection 1 shall be guilty of an offence against this Act.

9.—(1) Clause *a* of subsection 1 of section 12 of *The Forest Fires Prevention Act* is amended by striking out the words ^{Rev. Stat., c. 325, s. 12, subs. 1, cl. a, amended.} "locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil" in the second, third and fourth lines and inserting in lieu thereof the word "engine", so that the said clause shall now read as follows:

- (a) to use or operate within a quarter of a mile of any ^{Using engines without prescribed safeguards.} forest, slashing or bush land any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act.

(2) Subsection 3 of the said section 12 is amended by ^{Rev. Stat., c. 325, s. 12, subs. 3, amended.} striking out the words "provincial forester" in the third line and inserting in lieu thereof the word "Minister".

10. Section 13 of *The Forest Fires Prevention Act* is amended ^{Rev. Stat., c. 325, s. 13, amended.} by striking out the word "Railway" in the third line and inserting in lieu thereof the word "Transport", so that the said section shall now read as follows:

13. It shall be the duty of every engineer in charge of ^{Duty of engineer.} any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act.

11. Section 14 of *The Forest Fires Prevention Act* is amended ^{Rev. Stat., c. 325, s. 14, amended.} by striking out the words "provincial forester" where they

occur in the sixth line of subsection 2, in the first line of subsection 3 and in the first and sixth lines of subsection 4 and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 325,
amended.

12. *The Forest Fires Prevention Act* is amended by adding thereto the following section:

Agreements
with munici-
palities.

15a. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires and any expenses incurred by the Department in carrying out any such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Rev. Stat.,
c. 325, s. 16,
amended.

13. Section 16 of *The Forest Fires Prevention Act* is amended by adding thereto the following subsection:

Fires on
Crown
lands.

(2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 of section 14, the total cost of extinguishing such fire shall be borne by the Department.

Rev. Stat.,
c. 325, s. 17,
subs. 4,
amended.

14. Subsection 4 of section 17 of *The Forest Fires Prevention Act* is amended by striking out the words "or other employee of the Department" in the second line and inserting in lieu thereof the words "or agent".

Rev. Stat.,
c. 325, s. 19,
amended.

15. Section 19 of *The Forest Fires Prevention Act* is amended by striking out the words "The provincial forester and every officer acting under his direction" in the first and second lines and inserting in lieu thereof the words "Every officer and agent".

Rev. Stat.,
c. 325, s. 21,
re-enacted.

16. Section 21 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Extinguish-
ment of fire.

21.—(1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,—

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,—

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses
incurred in
extinguishing
fires.

(2) In addition to the other penalties provided by this Act, every owner who violates the provisions of

subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister.

17.—(1) Subsection 1 of section 22 of *The Forest Fires Prevention Act* is amended by striking out the words "authorized officer of the Department" in the fifth line and inserting in lieu thereof the words "officer or agent". Rev. Stat.,
c. 325, s. 22,
subs. 1,
amended.

(2) Subsection 2 of the said section 22 is amended by striking out the words "of the Department" in the third line and inserting in lieu thereof the words "or agent". Rev. Stat.,
c. 325, s. 22,
subs. 2,
amended.

(3) Subsection 4 of the said section 22 is amended by striking out the words "the provincial forester or other officer of the Department" in the seventh line and inserting in lieu thereof the words "an officer or agent". Rev. Stat.,
c. 325, s. 22,
subs. 4,
amended.

18.—(1) Section 23 of *The Forest Fires Prevention Act* is amended by striking out the words "the provincial forester or other authorized officer" where they occur in the fourth and fifth lines of subsection 1, in the first line of subsection 3, in the fourth and fifth lines of clause b of subsection 3 and the first line of subsection 7, and inserting in lieu thereof the words "an officer or agent". Rev. Stat.,
c. 325, s. 23,
amended.

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor: Rev. Stat.,
c. 325, s. 23,
subs. 4,
re-enacted.

(4) Where fire originates in any particular area in which summer operations are actually carried on by a permittee operating under the provisions of this section, or by any of his employees, or any person acting on his behalf, in the absence of the production of evidence to the contrary satisfactory to the Minister,— Cost of
extinguishing
fire.

(a) the fire shall be presumed to have resulted from such operations; and

(b) the permittee shall bear the full cost of controlling and extinguishing the fire.

(3) Subsection 5 of the said section 23 is amended by striking out the figures and words "30th day of April" in the first line and inserting in lieu thereof the figures and words "31st day of March", so that the said subsection shall now read as follows: Rev. Stat.,
c. 325, s. 23,
subs. 5,
amended.

Expiration
of permit.

- (5) All permits shall expire on the 31st day of March next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder.

Rev. Stat.,
c. 325, s. 23,
subs. 8,
amended.

- (4) Subsection 8 of the said section 23 is amended by striking out the words "The provincial forester" in the first line and inserting in lieu thereof the words "An officer or agent", and by striking out the words "provincial forester" in the last line and inserting in lieu thereof the words "officer or agent".

Rev. Stat.,
c. 325, s. 24,
repealed.

- 19.** Section 24 of *The Forest Fires Prevention Act* is repealed.

Rev. Stat.,
c. 325, s. 25,
subs. 1,
amended.

- 20.**—(1) Subsection 1 of section 25 of *The Forest Fires Prevention Act* is amended by inserting after the word "about" in the fourth line the words "or set out fire for the purpose of cooking or obtaining warmth", so that the said subsection shall now read as follows:

Permit to
travel in
forest area.

- (1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about or set out fire for the purpose of cooking or obtaining warmth in such area during the close season shall previously obtain a permit.

Rev. Stat.,
c. 325, s. 25,
subs. 2,
amended.

- (2) Subsection 2 of the said section 25 is amended by striking out the words "the fire ranger of the place or from any other authorized person" in the second and third lines and inserting in lieu thereof the words "an officer or agent", so that the said subsection shall now read as follows:

Issue of
permit.

- (2) Such permit, called "travel permit" may be obtained without charge from an officer or agent.

Rev. Stat.,
c. 325, s. 25,
subs. 3,
amended.

- (3) Subsection 3 of the said section 25 is amended by inserting after the word "about" in the first line the words "or set out fire for the purpose of cooking or obtaining warmth", so that the said subsection shall now read as follows:

Entering
area with-
out permit.

- (3) No person shall travel about or set out fire for the purpose of cooking or obtaining warmth in such defined area without having previously obtained a permit.

Rev. Stat.,
c. 325, s. 26,
amended.

- 21.** Section 26 of *The Forest Fires Prevention Act* is amended by striking out the words "the fire rangers" in the second line and inserting in lieu thereof the words "an officer or agent", so that the said section shall now read as follows:

26. Persons using or travelling in the forest shall, upon request, give an officer or agent or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act.

Information to be given by tourists, etc.

22. Section 28 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Rev. Stat., c. 325, s. 28, re-enacted.

- 28.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect.

Penalty.

- (2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment.

Expenses.—recovery of.

Rev. Stat., c. 136.

23. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1946*.

Short title.

CHAPTER 33.

The Game and Fisheries Act, 1946.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act,—

Interpre-
tation,—

- (a) "angling" shall mean angling as defined in the Special "angling Fishery Regulations for the Province of Ontario; *New.*
- (b) "closed season" shall mean a specified period in which "closed season"; game and fish may not be taken; R.S.O. 1937, c. 353, s. 2, cl. (a). *Amended.*
- (c) "Department" shall mean Department of Game and Fisheries; R.S.O. 1937, c. 353, s. 2, cl. (b). *Amended.* "Depart-
ment";
- (d) "Deputy Minister" shall mean the deputy head of "Deputy Minister"; the Department; R.S.O. 1937, c. 353, s. 2, cl. (c). *Amended.*
- (e) "dog" shall mean any dog, male or female; "dog";
- (f) "farmer" shall mean any person actually living upon "farmer"; and tilling his own land, or land to the possession of which he is for the time being entitled, or any *bona fide* settler engaged in clearing the land for the purpose of bringing the same to a state of cultivation; R.S.O. 1937, c. 353, s. 2, cls. (d, e).
- (g) "fishery" shall mean the stretch of water, locality, "fishery"; premises, place or station described in the regulations, or in a licence, in or from which fish may be taken, and all nets, plants and appliances used in connection with any of them; R.S.O. 1937, c. 353, s. 2, cl. (f). *Amended.*

- "fur-bearing animal"; (h) "fur-bearing animal" shall mean a beaver, fisher, fox, lynx, marten, mink, musk-rat, otter, raccoon, rabbit, skunk, squirrel, weasel and wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal; *New*.
- "game"; (i) "game" shall mean all fur-bearing animals and all animals and birds protected by this Act; R.S.O. 1937, c. 353, s. 2, cl. (g). *Amended*.
- "guide"; (j) "guide" shall mean any person who for hire or reward, or hope thereof, renders service as a guide to any other person engaged in angling or hunting; R.S.O. 1937, c. 353, s. 2, cl. (h). *Amended*.
- "holder of a licence"; (k) "holder of a licence" shall mean the person named in the licence; *New*.
- "hunting"; (l) "hunting" shall include chasing, pursuing, worrying, following after, or on the trail of, or searching for, shooting, shooting at, stalking or lying in wait for any game, whether or not the game be then or subsequently captured, injured or killed, and "hunt" and "hunter" shall have a corresponding meaning; R.S.O. 1937, c. 353, s. 2, cl. (i). *Amended*.
- "licence"; (m) "licence" shall mean an instrument issued under this Act conferring upon the holder the privilege to do the things set forth in it, subject to the conditions, limitations and restrictions contained in it and in this Act, but no licence shall be or operate as a lease; R.S.O. 1937, c. 353, s. 2, cl. (j). *Amended*.
- "Minister"; (n) "Minister" shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; R.S.O. 1937, c. 353, s. 2, cl. (k). *Amended*.
- "non-resident"; (o) "non-resident" shall mean any person who has not actually resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act; R.S.O. 1937, c. 353, s. 2, cl. (m). *Amended*.
- "officer"; (p) "officer" shall mean assistant deputy minister, inspector, district superintendent, special patrol, overseer or any other officer or person authorized to assist in the propagation of game and fish and the enforcement of this Act and shall include all officers and members of the Ontario Provincial Police Force,

and the superintendents, wardens, and rangers of provincial parks within the meaning of *The Provincial Parks Act*; R.S.O. 1937, c. 353, s. 2, cl. (n). *Amended*. Rev. Stat., c. 94.

- (g) "open season" shall mean a specified period during ^{"open season"} which game and fish may be taken; R.S.O. 1937, c. 353, s. 2, cl. (p). *Amended*.
- (r) "pelt" shall mean the untanned skin of a fur-bearing ^{"pelt"} animal; *New*.
- (s) "person" shall include an Indian; R.S.O. 1937, c. 353, ^{"person"} s. 2, cl. (q). *Amended*.
- (t) "regulations" shall mean the regulations made under ^{"regulations"} this Act; R.S.O. 1937, c. 353, s. 2, cl. (r). *Amended*.
- (u) "resident" shall mean any person who has actually ^{"resident"} resided in Ontario for a period of twelve consecutive months immediately preceding the time that his residence becomes material under this Act; R.S.O. 1937, c. 353, s. 2, cl. (s). *Amended*.
- (v) "skin" shall mean the untanned skin of an animal ^{"skin"} stripped from the body; *New*.
- (w) "Special Fishery Regulations" shall mean the special ^{"Special Fishery Regulations"} fishery regulations for Ontario made under the authority of *The Fisheries Act, 1932* (Canada); and ^{1932, c. 42 (Canada).} *New*.
- (x) "unprime" where applied to pelts shall mean that ^{"unprime"} the pelts show natural markings of a dark or bluish colour on the flesh side. R.S.O. 1937, c. 353, s. 2, cl. (t). *Amended*.

Application of Act.

2. This Act shall not apply to domestic animals and birds. Application of Act.
New.

Administration.

3. The administration of this Act and all matters in respect ^{Adminis-} to game and fish, notwithstanding any other Act, shall be ^{tration.} under the control and direction of the Minister and shall constitute a department of the public service within the meaning of *The Public Service Act*, to be known as Department ^{Rev. Stat., c. 15.} of Game and Fisheries. R.S.O. 1937, c. 353, s. 3 (1). *Amended*.

Officers.

4. There shall be a Deputy Minister and the Lieutenant-Governor in Council may appoint and prescribe the duties of an Assistant Deputy Minister, inspector and district superintendents and such other officers and servants as are deemed necessary for the enforcement of this Act. R.S.O. 1937, c. 353, s. 62 (1); s. 63 (1). *Amended.*

Deputy wardens.

5.—(1) The Minister may appoint deputy game and fishery wardens in and for any part of Ontario to serve without remuneration, but all the appointments shall terminate on the 31st day of December in each year. R.S.O. 1937, c. 353, s. 64 (1-2). *Amended.*

Authority of deputy wardens.

(2) Deputy game and fishery wardens shall have the authority of constables for the purposes of this Act. R.S.O. 1937, c. 353, s. 64 (3). *Amended.*

Remuneration of officers.

6. The remuneration of all officers and of all other persons employed to perform any duty for the Department or to assist in the enforcement of this Act and all expenses incident to its enforcement shall be paid out of such money as may be appropriated for the purpose by the Legislature. R.S.O. 1937, c. 353, s. 3 (2). *Amended.*

Powers and Duties of Officers.

Search of vehicles, premises.

7.—(1) An officer shall have the authority of a constable for the purpose of this Act, and may without a search warrant,—

- (a) stop and search any vehicle, motor vehicle, aeroplane or any other flying machine, boat or launch or any railway car, including a caboose, baggage or express car; and
- (b) enter and search any hunting, mining, lumber or construction camp,

where he has reasonable grounds to believe that any of them contains any game or fish taken in violation of this Act. R.S.O. 1937, c. 353, s. 63 (2). *Amended.*

Search of receptacles

(2) An officer may open and inspect any trunk, box, bag, parcel or receptacle which he has reason to suspect and does suspect contains game or fish killed, taken, shipped or had in possession in violation of this Act and for that purpose may enter all property which by this Act he is authorized to enter and may use necessary force where the owner or person in apparent charge obstructs or refuses to facilitate his inspection, and if he has reason to believe and does believe that it is necessary to enter any store, private house, warehouse or

building which by this Act he is not authorized to enter without a search warrant, he shall make a deposition before a justice of the peace and demand a warrant to search that store, private house, warehouse or building, and thereupon the justice may issue a search warrant. R.S.O. 1937, c. 353, s. 63 (4). *Amended.*

(3) An officer on view may arrest without process any person found committing a violation of this Act or of the regulations and shall bring him with reasonable diligence before a competent court to be dealt with according to law. R.S.O. 1937, c. 353, s. 63 (3). *Amended.* Arrest on view.

(4) An officer in the discharge of his duties and any person by him accompanied or authorized for the purpose, may enter upon and pass through or over private property without being liable for trespass. R.S.O. 1937, c. 353, s. 63 (7). *Amended.* Entry upon private property.

(5) An officer may inspect all camps occupied by anglers and hunters and may prescribe methods for sanitation and disposal of refuse and the extinguishing of fires. R.S.O. 1937, c. 353, s. 63 (8). *Amended.* Inspection of camps.

(6) An officer shall investigate all violations of this Act brought to his notice and prosecute every person whom he may have reasonable cause to believe guilty of an offence against this Act. R.S.O. 1937, c. 353, s. 63 (6). *Amended.* Duty to prosecute.

(7) No person shall obstruct, hinder or delay or interfere with an officer in the discharge of his duty by violence or threats or by giving false information, or in any other manner. R.S.O. 1937, c. 353, s. 63 (9). *Amended.* Obstructing officers.

(8) No officer or other person authorized to enforce this Act shall maliciously abuse his authority or neglect or refuse to perform any duty pertaining to his office. R.S.O. 1937, c. 353, s. 63 (10, 11). *Amended.* Neglect of duties.

(9) An officer may carry such arms and accoutrements as are necessary for self-defence where he possesses the authorities which may be legally necessary for that purpose. R.S.O. 1937, c. 353, s. 63 (12). *Amended.* Arms for self-defence.

Licences.

8.—(1) Except under a licence no person shall hunt, take, molest, wound, trap, kill or destroy or attempt to hunt, take, molest, wound, trap, kill or destroy any fur-bearing animal or any bear, deer or moose. Licences.

Exception. (2) Subsection 1 shall not apply to a farmer or his sons residing upon his lands and hunting and trapping thereon during the open seasons fur-bearing animals other than beaver.

Authority to sell under licence. (3) The holder of a licence may sell pursuant to this Act the fur-bearing animals or their pelts, hunted, taken, trapped, or killed by him under the authority of the licence. R.S.O. 1937, c. 353, s. 10 (2). *Amended.*

Non-residents. **9.** Except under a licence no non-resident shall hunt, take, molest, wound, kill or destroy or attempt to hunt, take, molest, wound, kill or destroy any animal or bird. R.S.O. 1937, c. 353, s. 10 (1). *Amended.*

Fire-arms. **10.**—(1) Except under a licence no person shall carry or use any fire-arm or air-gun for the purpose of hunting any game.

Exceptions as to farmers. (2) Subsection 1 shall not apply to a farmer or his sons residing and hunting on his lands.

Power of fire-arms. (3) The holder of a licence issued under subsection 1 shall not carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a "twenty-two calibre low-powered rifle" during the open season for deer or moose in areas which those animals inhabit or in which they are usually found. R.S.O. 1937, c. 353, s. 10 (4). *Amended.*

Minors. (4) Except as prescribed by the regulations no licence other than a trapper's licence shall be issued to any person under the age of sixteen years. *New.*

11.—(1) Except under a licence no person shall,—

Cold storage licence. (a) engage in the business of cold storage of game; R.S.O. 1937, c. 353, s. 11 (1). *Amended.*

Game dealer's licence. (b) buy, sell or expose for sale, game, other than fur-bearing animals, that may otherwise lawfully be sold; R.S.O. 1937, c. 353, s. 11 (3). *Amended.*

Fur dresser's and tanner's licence. (c) engage in, carry on or be concerned in tanning, dressing, plucking, dyeing, treating or undertake to tan, dress, pluck, dye or treat any fur-bearing animal or bear or any pelt or skin of any of them; R.S.O. 1937, c. 353, s. 12. *Amended.*

Fur dealer's licence. (d) possess, or engage in, or carry on, or be concerned in trading, buying or selling, or soliciting trade in fur-bearing animals or their pelts. R.S.O. 1937, c. 353, s. 16 (1). *Amended.*

(2) Clause *b* of subsection 1 shall not apply to bear but the skins thereof shall be subject to the provisions of section 25. Exception
R.S.O. 1937, c. 353, s. 11 (3), *part. Amended.*

(3) No holder of a licence issued under clause *d* of subsection 1 shall sell, trade or barter, or be concerned in the selling, trading or bartering of any pelts to or with any other person in Ontario except where that other person holds a licence under clause *d* of subsection 1. Trades only between licensed fur dealers
R.S.O. 1937, c. 353, s. 16 (2). *Amended.*

12. Except under a licence, no hotel, boarding-house, camp, restaurant or club shall possess any game. Hotels, restaurants or clubs.
R.S.O. 1937, c. 353, s. 11 (2). *Amended.*

13. Except under a licence no person or his servant, clerk or agent, shall buy, sell, expose or keep for sale, directly or indirectly on any pretence or device, for any valuable consideration, barter, give to or obtain from any other person any moose, deer, caribou or wapiti, wherever killed or procured. Dealing in moose, deer, caribou and wapiti.
R.S.O. 1937, c. 353, s. 11 (4). *Amended.*

14. Notwithstanding anything in this Act any person may under a licence possess and buy or sell the carcass of musk-rat, beaver, raccoon or bear where taken in a lawful way and in the proper open season. Dealing in musk-rat, etc.
R.S.O. 1937, c. 353, s. 11 (5). *Amended.*

15.—(1) Except under a licence no person shall use or be accompanied by a dog while hunting deer, moose or fox. Dog licence for hunting game.
R.S.O. 1937, c. 353, s. 13 (2). *Amended.*

(2) The Department may issue to a resident a licence to use dogs for hunting fox during the open season in an area which deer do not inhabit or in which deer are not usually found. Dog licence for hunting fox.
R.S.O. 1937, c. 353, s. 10 (3). *Amended.*

16.—(1) Except under a licence no person shall breed or propagate game or possess game for that purpose. Licence for propagation of game.

(2) The licence shall be for the period of time and on the terms and conditions prescribed by the Lieutenant-Governor in Council. Duration and terms of licence.

(3) The Deputy Minister may issue a licence to any person to possess live game for scientific and educational purposes. Game for educational purposes.

(4) Except under a licence issued by the Deputy Minister no person shall take game during the closed season for educational or scientific purposes. Closed season.
R.S.O. 1937, c. 353, s. 18 (1, 2). *Amended.*

Fish nets.

17.—(1) Except under a licence no person shall buy, sell or possess gill, hoop, pound or seine nets. R.S.O. 1937, c. 353, s. 17. *Amended.*

Restricted sale.

(2) No person shall sell a gill, hoop, pound or seine net to any other person not a holder of a commercial fishing licence. *New.*

Fish for exceptional purposes.

18. Except under a licence no person shall take any fish or spawn from Ontario waters for the purpose of stocking, artificial breeding or for scientific or educational purposes. R.S.O. 1937, c. 353, s. 14. *Amended.*

Tourist outfitter's camps.

19.—(1) Except under a licence no person shall erect or establish or attempt to erect or establish, or own or operate, a tourist outfitter's camp in that part of Ontario composed of the Districts of Patricia, Kenora, Rainy River, Thunder Bay, Cochrane, Algoma, Sudbury, Manitoulin and Temiskaming and those parts of the Districts of Parry Sound, Nipissing and Haliburton and the County of Renfrew lying north of the line of the Canadian National Railway from Parry Sound to Pembroke by way of Scotia, Madawaska and Golden Lake. 1938, c. 13, s. 6 (1, 2). *Amended.*

Limitation of guests during open season.

(2) Notwithstanding the guest accommodation for which a licence is issued, the total number of persons holding licences to hunt deer or moose, who may be accommodated at a tourist outfitter's camp during the whole of the open season for deer and moose in the area in which the camp is located, shall not exceed the number for which the licence is issued and in any case shall not exceed thirty-five. *New.*

Interpretation,—

(3) For the purposes of this section,—

"tourist outfitter";

(a) "tourist outfitter" shall mean a person who owns or operates a camp and maintains or provides directly or indirectly for the accommodation and use of tourists any boat, canoe, tent, sleeping bag, blanket, utensil or other article used or required for angling, hunting or camping, or supplies or provides licensed guides;

"camp";

(b) "camp" shall mean a dwelling, lodge, cabin, tent, houseboat or other temporary or permanent structure used as sleeping-quarters; and

"tourist";

(c) "tourist" shall mean a guest, tenant, club member or any other person who pays directly or indirectly for accommodation or services rendered at a camp. 1944, c. 22, s. 5.

Guides.

20.—(1) Except under a licence no person shall act as a guide.

(2) No person shall employ any other person for hire, gain or reward, or hope thereof, to guide him while hunting or angling, who is not the holder of a guide licence. R.S.O. 1937, c. 353, s. 19 (1). *Amended.*

(3) No non-resident shall hunt, take or kill deer in the Districts of Rainy River and Kenora or moose in any part of Ontario without employing and being accompanied by a licensed guide, but where two or more non-residents hunt together the number of guides employed shall be not less than one guide for each two non-residents. 1938, c. 13, s. 7. *Amended.*

(4) Where any non-resident owner, operator or other person in charge of any boat or vessel, brings the boat or vessel within Ontario under its own power, the owner, operator or other person in charge shall, while any person is angling from the boat or vessel, employ a licensed guide, but the Minister may exempt the non-resident from the provisions of this subsection where he deems it advisable, having regard to the local conditions. R.S.O. 1937, c. 353, s. 19 (3). *Amended.*

21.—(1) A licence shall not be transferable and no person shall buy, sell, exchange or in any way become a party to the transfer of any licence or shipping coupon, or in any way use or attempt to use a licence or coupon issued to any other person.

(2) A licence may be cancelled by the Deputy Minister, subject to appeal to the Minister, for a violation by the holder, or by any other person with his connivance, of this Act or of the licence whether or not a prosecution has been instituted in respect to the violation.

(3) The issue of a licence shall be in the discretion of the Deputy Minister, subject to appeal to the Minister.

(4) The holder of a licence shall produce and show it to any officer as often as reasonably requested by him.

(5) No person who is not a resident British subject shall be the holder of a licence to trap fur-bearing animals.

(6) No holder of a licence shall hunt, kill or take any game unless at that time he has the licence on his person and he shall wear in a conspicuous place on his person any badge which may be furnished him by the Department at the time of issue of the licence, and the licence with which a badge is furnished at the time of issue shall not be valid unless the holder is wearing the badge in the way required by this subsection.

(7) No person shall be the holder of more than one licence to hunt deer or moose in any year. *New.*

Licence
obtained by
mis-repre-
sentation.

(8) The holder of a licence obtained by false representations or by false and misleading statements made to the issuer in respect to the age, nationality, place of residence or other information necessary to be furnished at the time of the issuing of the licence shall be deemed to be the holder of a void licence and the holder may be prosecuted under this Act in the same manner and with the same effect as he could be prosecuted if he were not the holder of a licence. R.S.O. 1937, c. 353, s. 20 (1-7). *Amended.*

Issuers of
licences.

22.—(1) No person unless authorized by this Act shall issue any licences or collect any fees in respect to them. R.S.O. 1937, c. 353, s. 23. *Amended.*

Licences
not to be
issued in
blank.

(2) No issuer of licences shall issue and no person, while hunting or in a hunting camp or on his way to or from a hunting camp, shall possess a hunting licence which does not exhibit in the proper place the name of the possessor. R.S.O. 1937, c. 353, s. 21. *Amended.*

Licences
not to be
antedated.

(3) No issuer of licences shall issue and no person shall accept or receive any antedated licence. R.S.O. 1937, c. 353, s. 22. *Amended.*

Licence Fees.

Fees.

23. A licence may be issued,—

Residents,—

(a) to a resident and the licences and fees shall be,—

Deer.

(i) to hunt deer, where subclause ii does
not apply.....\$ 3.50
and an issuing fee of......50

Farmers.

(ii) for a farmer actually living upon and
tilling his own land in the Districts of
Haliburton, Muskoka, Parry Sound,
Nipissing and Manitoulin and that
part of Ontario lying north and west
of those Districts, to kill in the
county or territorial district in which
he resides one deer during the open
season for his own use and not to be
sold or bartered and restricted to one
licence for each household......80
and an issuing fee of......20

Moose.

(iii) to hunt moose..... 5.50
and an issuing fee of......50

Trapping.

(iv) for a British subject to hunt and trap
fur-bearing animals..... 4.50
and an issuing fee of......50

- (v) for a person to use fire-arms or air-guns Fire-arms.
 for hunting purposes pursuant to sub-
 section 1 of section 10 \$.85
 and an issuing fee of15
- (b) to an organized hunting camp of not fewer than four Hunting
camp.
 residents and the licence and fees shall be,—
 for each four holders of resident deer-
 licences \$ 3.50
 and an issuing fee of50
- R.S.O. 1937, c. 353, s. 24 (b-f). *Amended.*
- (c) to a non-resident and the licences and fees shall be,— Non-
residents,—
- (i) to hunt bear, game birds and rabbits. . \$15.00 Bear, birds
and rabbits.
 and an issuing fee of50
- (ii) to hunt deer, bear, game birds and Deer, etc.
 rabbits 25.00
 and an issuing fee of75
- (iii) to hunt moose, deer, bear, game birds Moose, etc.
 and rabbits 74.00
 and an issuing fee of 1.00
- (iv) to hunt bear from the 1st day of April Bear.
 to the 15th day of June provided that
 the holder of this licence shall not use
 a shot gun or a rifle commonly known
 as a twenty-two calibre low-powered
 rifle or a rim-fire rifle. 5.00
 and an issuing fee of25

1944, c. 22, s. 7. *Amended.*

- (d) for a dog used by or accompanying any person while Dogs.
 hunting deer or moose and the licence and fee shall
 be,—
 licence fee \$ 1.85
 and an issuing fee of15

R.S.O. 1937, c. 353, s. 24, cl. (g). *Amended.*

24. A licence may be issued,—

- (a) to any person engaged in the business of cold storage Cold
storage.
 of game and the fee shall be,—
 (i) in cities \$ 5.00
 (ii) in all other municipalities 2.00

Game
dealers.

(b) to any person to buy, sell or deal in any game, other than fur-bearing animals, that may be lawfully bought, sold or dealt in and the fee shall be,—

(i) in cities.....\$10.00

(ii) in towns..... 5.00

(iii) in all other places..... 2.00

Hotels,
restaurants
or clubs.

(c) to any hotel, boarding-house, camp, restaurant or club to buy, sell or possess any game, other than fur-bearing animals, that may be lawfully sold and the fee shall be,—

(i) in cities.....\$10.00

(ii) in towns..... 5.00

(iii) in other places..... 2.00

R.S.O. 1937, c. 353, s. 25 (a-c). *Amended.*

Fur dealers

(d) to any person to buy, sell and deal in fur-bearing animals or their pelts and the fee shall be,—

(i) for a resident British subject on specific premises, to be known as "store licence".....\$25.00

(ii) for a resident British subject where premises are not designated, to be known as "travelling fur buyer".....100.00

(iii) for a resident who is not a British subject.....200.00

(iv) for a non-resident.....200.00

(v) for a resident British subject on specific premises, to be known as "wholesale licence".....100.00

(vi) for non-resident wholesale buyers, purchasing direct from holders of a "wholesale licence"..... 5.00

(vii) for a resident British subject purchasing for personal use, restricted as to time and quantity, to be known as "restricted licence"..... 1.00

R.S.O. 1937, c. 353, s. 26. *Amended.*

- (e) to any person engaged in the business of dressing, plucking, dyeing, tanning or treating pelts and the fee shall be..... 10.00 Tanners.

R.S.O. 1937, c. 353, s. 27. *Amended.*

- (f) to a resident or non-resident owning or operating a tourist outfitter's camp, and the fee shall be as prescribed by the regulations according to the accommodation available. R.S.O. 1937, c. 353, s. 28, *amended.* Tourist outfitters.

Royalties.

25.—(1) No person shall take or ship or attempt to take or ship to any point outside of Ontario any fur-bearing animal or its pelt or any bear or its skin or send or have sent any of them to a tanner or taxidermist to be tanned or plucked or treated in any way without a licence and without paying a royalty. Royalties payable.

(2) The royalties shall apply to any pelts or bear skins that are damaged or destroyed by any means, but they shall not apply, where the holder furnishes the Department with satisfactory proof by affidavit or statutory declaration of their origin,— Exceptions.

(a) to silver, black, cross and blue fox and mink, bred on fur-farms operating within Ontario under a licence; or

(b) to pelts imported from any place outside of Ontario. R.S.O. 1937, c. 353, s. 29; 1944, c. 22, s. 8. *Amended.*

(3) The Lieutenant-Governor in Council may prescribe the royalty payable under this section, and may exempt rabbit and squirrel from the provisions of subsections 1 and 2. *New.* Amount of royalty.

(4) Notwithstanding anything in this section any person holding the proper hunting licence may without any other licence and without paying royalty take or export to a point outside Ontario any bear taken or killed by him or its skin, or may have the skin tanned, plucked or treated in any way within Ontario. 1939, c. 16, s. 1. *Amended.* Bear exempt.

Seasons for Animals.

26 No person shall hunt, kill or destroy,—

Open season.

Deer and
moose north
of C.N.R.

- (a) except from and including the 20th day of September to and including the 25th day of November, in any year, any deer or moose in that part of Ontario lying north of the main line of the Canadian National Railway from Quebec to the Manitoba boundary; R.S.O. 1937, c. 353, s. 7, cl. (a). *Amended.*

Deer and
moose north
of Lake
Nipissing,
French and
Mattawa
Rivers.

- (b) except from and including the 15th day of October to and including the 25th day of November, in any year, any deer or moose in that part of Ontario lying south of the main line of the Canadian National Railway from Quebec to the Manitoba boundary and north of the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence following the line of the Toronto-Sudbury branch of the Canadian Pacific Railway and the main line of the Canadian Pacific Railway to its intersection with the northern boundary of Cascaden Township in the District of Sudbury; thence westerly along the northerly boundaries of the Townships of Cascaden, Ermatinger, 107, 113 and 120 to the northwest angle of 120 Township; thence southerly along the westerly boundary of 120 Township to the southwest angle of 120 Township; thence westerly along the southerly boundaries of Townships 125, 132, 139, 145, 151, 157, 163 and 169 in the District of Algoma to the Kendogami River; thence northerly along the Kendogami River to Lake Kendogami; thence northerly along the westerly boundaries of Townships 3B and 4B in the District of Algoma, to the northwest angle of 4B Township; thence westerly along the southerly boundaries of Townships 5C, 5D, 5E and 5F to the southwest angle of 5F Township; thence northerly along the westerly boundaries of Townships 5F, 6F and 7F to the northwest angle of 7F Township; thence westerly along the southerly boundaries of Townships 8G, 8H, 22 range 15 and 23 range 15 to the southwest angle of the District of Sudbury; thence southerly along the westerly boundary of block 23, range 14, to the southeast angle of block 24, range 15; thence westerly along the southerly boundaries of blocks 24, 25, 26, 27, 28 and 29, range 15, to Lake Superior, but the provisions of this clause shall not apply to moose in those parts described as,—

Exception
as to moose.

- (i) that portion of Ontario bounded on the north by the road running east from Westree on the line of the Canadian National Railway through Shiningtree, Gowganda and Elk Lake

to Highway Number 11 south of Englehart; thence south along Highway Number 11, through Earlton, Thornloe and Hanbury to New Liskeard; thence east and north along the road from New Liskeard to the inter-provincial boundary; thence southerly along the interprovincial boundary, Lake Temiskaming and the Ottawa River to the confluence of the Ottawa and Mattawa Rivers; thence westerly along the Mattawa River, Lake Nipissing and the French River to the intersection of the latter with the Toronto-Sudbury branch of the Canadian Pacific Railway near Bigwood; thence northerly along the Toronto-Sudbury branch of the Canadian Pacific Railway to its intersection with the line of the Canadian National Railway south of Wanup, and continuing northerly along the line of the Canadian National Railway from the aforesaid intersection to the point of commencement,

- (ii) that portion of Ontario bounded on the north by the main line of the Canadian National Railway running east from the Manitoba boundary to Superior Junction; thence southeasterly along the line of the Canadian National Railway from Superior Junction to Fort William; thence southwesterly along the north shore of Lake Superior to the mouth of the Pigeon River; thence westerly along the International Boundary from the mouth of the Pigeon River to the Manitoba boundary at the North West Angle Inlet of the Lake of the Woods; thence northerly along the Manitoba boundary from the North West Angle Inlet of the Lake of the Woods to the point of commencement; 1944, c. 22, s. 3 (1).
Amended.

- (c) except from and including the 1st day of November to and including the 25th day of November in each year any deer or moose in that part of Ontario being the District of Manitoulin and parts of the Districts of Algoma and Sudbury, which may be more particularly described as lying south of the southerly boundary of the area defined in clause *b*, and north of the French River, but excepting there-out St. Joseph's Island in the District of Algoma and Manitoulin Island and Fitzwilliam Island in the District of Manitoulin;

Deer and
moose in
Manitoulin,
Sudbury and
Algoma.

Deer and
moose on
St. Joseph's,
Manitoulin
and
Fitzwilliam
Islands.

- (d) except from and including the 10th day of November to and including the 25th day of November in each year any deer or moose on St. Joseph's Island in the District of Algoma and on Manitoulin Island and Fitzwilliam Island in the District of Manitoulin; R.S.O. 1937, c. 353, s. 7, cl. (c). *Amended.*

Deer in
counties and
townships.

- (e) at any time any deer in the Counties of Brant, Bruce, Carleton, Dufferin, Dundas, Durham, Elgin, Essex, Glengarry, Grenville, Grey, Haldimand, Halton, Huron, Kent, Lambton, Leeds, Lincoln, Middlesex, Norfolk, Northumberland, Oxford, Peel, Perth, Prince Edward, Simcoe, Stormont, Waterloo, Welland, Wellington, Wentworth and York, the Township of Howe Island in the County of Frontenac, the Townships of Scott and Brock and all townships lying south thereof in the County of Ontario and the Township of Cambridge in the County of Russell, except during such times and in such of those Counties or parts thereof and under such terms and conditions as may be prescribed by the Lieutenant-Governor in Council;

Deer in
Parry Sound,
Muskoka,
Haliburton,
Victoria,
Peterbor-
ough,
Nipissing.

- (f) except for a period of sixteen days in each year from and including the first Monday in November, any deer in the Districts of Parry Sound, Muskoka, the Provisional County of Haliburton, the Counties of Victoria and Peterborough, and that part of the District of Nipissing lying south of the Mattawa River, north of the northerly boundary of Algonquin Park, and west of the westerly boundary of Algonquin Park;

Deer south
of French
and
Mattawa
Rivers and
Lake
Nipissing.

- (g) except for a period of sixteen days in each year from and including the second Monday in November, any deer in that part of Ontario lying south of the French and Mattawa Rivers and Lake Nipissing and not included in those parts of Ontario described in clauses *e* and *f*; 1944, c. 22, s. 3 (2). *Amended.*

Caribou or
wapiti.

- (h) at any time, any caribou or wapiti, or possess the whole or any part of the carcass of either of them; R.S.O. 1937, c. 353, s. 7, cl. (g). *Amended.*

Moose
south of
French and
Mattawa
Rivers.

- (i) at any time any moose in that part of Ontario lying south of the French and Mattawa Rivers and in those parts of Ontario described in subclauses *i* and *ii* of clause *b*, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe; R.S.O. 1937, c. 353, s. 7, cl. (h); 1938, c. 13, s. 4 (2). *Amended.*

27.—(1) No person shall at any time hunt, take, or kill ^{Beaver.} any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department. R.S.O. 1937, c. 353, s. 9 (1); s. 32 (3). *Amended.*

(2) No person shall hunt, take or kill, or possess the carcass, pelt or any part of,—

- (a) any gray or black squirrel except during such periods ^{Squirrel.} and on such terms and conditions as the Lieutenant-Governor in Council may prescribe; R.S.O. 1937, c. 353, s. 9 (5). *Amended.*
- (b) any fisher, fox, marten, mink or otter except from ^{Fisher, fox, marten, mink and otter.} and including the 1st day of November to and including the 28th day of February next following;
- (c) any raccoon except from and including the 1st day of ^{Raccoon.} November to and including the 31st day of December next following; R.S.O. 1937, c. 353, s. 9 (3, 4). *Amended.*
- (d) any musk-rat except in such localities and during ^{Musk-rat.} such periods as the Minister may authorize in writing; 1938, c. 13, s. 5. *Amended.*

(3) No person shall,—

- (a) at any time shoot or spear any musk-rat, beaver or ^{Musk-rat, beaver and otter.} otter; R.S.O. 1937, c. 353, s. 31 (1) *part.* *Amended.*
- (b) at any time hunt, take, kill or molest any female ^{Female moose and moose calves.} moose of any age or any male moose under the age of one year;
- (c) at any time hunt, take, kill or molest any female ^{Female deer and deer under one year.} deer of any age or any male deer under the age of one year except under subsections 3 and 4 of section 28;
- (d) hunt, take, kill or molest any deer while it is swimming ^{Swimming deer.} in any waters. R.S.O. 1937, c. 353, s. 33 (1-3). *Amended.*

Bag Limits for Animals.

Number of deer which residents may take.

28.—(1) No resident shall during any one year or season take or kill more than one male deer over one year of age under a resident deer-licence and one bull moose over one year of age under a moose licence but this subsection shall not apply to deer which are the private property of any resident, and which are killed or taken by him or by his direction or with his consent in or upon his own land in accordance with section 38.

Number of deer which non-residents may take.

(2) No non-resident shall during any one year or season take or kill more than one male deer over one year of age and one bull moose over one year of age under a non-resident hunting licence.

Aggregate kill of deer.

(3) Notwithstanding subsections 1 and 2 a party of two or more persons hunting together and holding licences may kill one female deer of any age or one male deer under the age of one year for every two persons of the party, but those persons shall not take or kill in the aggregate more than one deer for each person of the party.

Deer taken under camp licence.

(4) Notwithstanding subsections 1 and 3 a hunting party of four or more residents having a camp licence or camp licences may, in addition to the aggregate kill in subsection 3, kill one deer for each camp licence held by the party. R.S.O. 1937, c. 353, s. 34 (1-4). *Amended.*

Exception.

(5) Subsections 1, 2, 3 and 4 shall not apply to deer killed in the counties and townships enumerated in clause *e* of section 26 under the authority of regulations made under clause *e* of section 26. *New.*

Cotton-tail rabbits.

(6) No person shall take, kill or destroy more than six cotton-tail rabbits in any one day in the Counties of Elgin, Essex, Haldimand, Kent, Lambton, Lincoln, Middlesex, Oxford, Waterloo, Welland and York. 1938, c. 13, s. 8 *part*; 1939, c. 16, s. 2 (2); 1944, c. 22, s. 11 (3). *Amended.*

Protection of Animals.

29. No person shall,—

Protection of musk-rat and beaver houses.

(a) cut, spear, break or destroy at any time a musk-rat house or beaver house or beaver dam, or set or place a trap closer than five feet to a beaver house or musk-rat house, burrow, feed-house or push-up;

Dens of fur-bearing animals.

(b) molest, injure or destroy a den or usual place of habitation of any fur-bearing animal other than a skunk; R.S.O. 1937, c. 353, s. 31 (1, 2). *Amended.*

- (c) trap or take any deer or moose by means of traps, nets, snares, baited line or other similar contrivances or set any of them for those animals at any time and if set any person may destroy them without incurring any liability; R.S.O. 1937, c. 353, s. 40 (1). *Amended.* Game not to be taken by traps or snares.
- (d) while having in his possession any device capable of throwing or casting rays of light upon an object, have in his possession during the period between one-half hour after sunset and one-half hour before sunrise any rifle or other fire-arm capable of killing deer or moose unless that rifle or fire-arm is unloaded, encased or dismantled; Device for casting rays.
- (e) use snares for any purpose in the Counties of Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Canoto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April; R.S.O. 1937, c. 353, s. 40 (2); 1939, c. 16, s. 2 (2); 1944, c. 22, s. 11 (1, 2). *Amended.* Snares prohibited in certain counties. Proviso.
- (f) use snares for any purpose in any part of Ontario during the open season for deer and moose in that part and during a period of one month immediately preceding the open season; Snares in open seasons.
- (g) use snares for the taking of beaver at any time; or *New.* Snares for beaver prohibited.
- (h) when using ferrets in hunting rabbits use at the same time the hands or any contrivances other than a fire-arm in the actual taking of the rabbits. R.S.O. c. 353, s. 40 (3, 4). *Amended.* Ferrets.

30.—(1) No person shall use or be accompanied by a dog commonly known as a police dog or any cross-breed thereof while hunting deer or moose. Police dogs not to be used in hunting big game.

(2) While hunting deer or moose no person alone shall use or be accompanied by a dog, but a party of two or more, four or more, six or more or eight or more may use and be accompanied by not more than one, two, three or four dogs respectively. Number of dogs allowed in hunting big game.

Dogs at large.

(3) No person owning, harbouring or claiming to own a dog shall allow it to run at large during the closed season for deer in a locality which deer, moose, caribou or wapiti usually inhabit or in which they are usually found.

Power to kill dogs at large on sight.

(4) A dog found running deer, moose, caribou or wapiti during the closed season for deer in that locality shall be deemed to be at large with the leave of the owner and may be killed on sight by an officer without being liable for damages to any other person or to a penalty.

Notice to be given of dogs lost in hunting.

(5) A person who loses a dog while used in the hunting of deer or moose and is unable to find it at the end of the hunt shall immediately report the loss to the Department in writing giving a description of the dog and the locality in which it was lost. R.S.O. 1937, c. 353, s. 35. *Amended.*

Dogs not to be used for hunting small game.

31.—(1) No owner of a dog shall use it or allow it to be used in any manner for the hunting, taking or killing of any mink, beaver or otter.

Grey-hounds.

(2) No owner of a dog commonly known as a greyhound, or any cross-breed thereof, shall allow it to pursue game or run at large on Sunday in any area which game usually inhabits or in which game is usually found.

"Owner", defined.

(3) In this section "owner" shall include any person having a dog in his possession or charge or under his control. 1944, c. 22, s. 10. *Amended.*

Power to take fur-bearing animals for preservation of property.

32. Nothing in this Act shall apply to any person taking or destroying any fur-bearing animal, other than beaver, on his own lands, in defence or preservation of his property by any means at any time, but he shall within ten days report the pelts of those animals in respect of which there is a closed season to the Department and he shall not offer them for sale or barter during the closed season except under a licence and any fur dealer possessing the pelts shall hold the licence and forward it to the Department when applying for a licence to ship them out of Ontario or to dress or tan them. R.S.O. 1937, c. 353, s. 32 (1). *Amended.*

Possession of unprime skins prohibited.

33. No person shall without lawful excuse have in his possession or in the possession of his servant or agent or any other person on his behalf at any time any pelts while they

are in an unprime condition, except the pelts of musk-rat taken in accordance with section 32. R.S.O. 1937, c. 353, s. 31 (3). *Amended.*

Seasons for Birds.

34. No person shall hunt, kill or destroy any ruffed grouse, spruce partridge, Hungarian partridge, pheasant, sharp-tailed grouse, prairie-hen, ptarmigan, quail or wild turkey, except during such periods and on such terms and conditions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 353, s. 7, cl. (e). *Amended.*

Open season for grouse and other birds.

35. No person shall shoot, destroy, wound, molest, take or possess, or attempt to shoot, destroy, wound, molest or take any bird protected by this Act, during a closed season, or any other wild native bird at any time, including ospreys and eagles, but excluding hawks, owls, crows, cow-birds, blackbirds, starlings and house-sparrows. R.S.O. 1937, c. 353, s. 8 (1). *Amended.*

Wild native birds.

Protection of Birds.

36.—(1) No person shall use, set or maintain any net, trap, snare, springe, cage or other appliance for the purpose of capturing or killing any bird protected under section 35, and any person may destroy those appliances, where so used, set or maintained, without incurring any liability therefor and without penalty. R.S.O. 1937, c. 353, s. 8 (2). *Amended.*

Traps and snares prohibited.

(2) No owner of a dog shall allow it to molest or follow upon the track of any wild game bird or disturb its nest during the months of April, May, June or July in any year, except in any field trial approved by the Department. 1944, c. 22, s. 10, cl. (c). *Amended.*

Restricted use of dogs.

37. No person shall take or possess at any time any live bird protected by this Act or take, destroy or possess its eggs or nests, except a holder of a licence to engage in the business of propagating the birds or to take or possess the eggs or nests for educational or scientific purposes. R.S.O. 1937, c. 353, s. 43. *Amended.*

Live birds, eggs and nests protected.

Protection of Game.

38. Notwithstanding anything in this Act, a person who puts, breeds or imports game, other than fur-bearing animals, upon his own land for the purpose of breeding and preserving them may hunt, take or kill that game during the open seasons for the territory in which the game is kept. R.S.O. 1937, c. 353, s. 30. *Amended.*

Breeders of game.

Possession
of game
in closed
seasons,—

39. No person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any game wherever killed or procured, except that,—

deer, moose
and birds;

- (a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the next following year, unless otherwise provided under the regulations;

fur-bearing
animals
taken in
Ontario;

- (b) any pelts of animals taken in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which they were taken;

fur-bearing
animals
taken out-
side of
Ontario;

- (c) any pelts of animals taken outside of Ontario may be possessed during the closed season under a licence if applied for within forty-eight hours after the pelts are received; and

donations
of deer or
moose.

- (d) any person who has lawfully taken and lawfully possesses any deer or moose may donate to any other person for his own use or for the use of his immediate family any portion of the deer or moose when there is attached to the donated portion a statement signed by the donor exhibiting his full name and address and the number of the licence under which the animal was taken. R.S.O. 1937, c. 353, s. 37. *Amended.*

Purchase
or sale
of game
prohibited.

40. No person shall sell or purchase any bird mentioned in section 34, or any deer, moose, caribou or wapiti, or expose any of them on any commercial premises, and no restaurant, camp, boarding-house, hotel or club shall mention on a bill of fare or serve any of them, but any person may propagate, buy or sell any pheasant or quail under a licence issued on such terms and conditions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1937, c. 353, s. 38. *Amended.*

Exception
as to
quail and
pheasant.

Cotton-tail
rabbits.

41. No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any cotton-tail rabbits in those counties named in subsection 6 of section 28. 1938, c. 13, s. 8, *part*; 1939, c. 18, s. 2 (3); 1944, c. 22, s. 11 (4). *Amended.*

Poison
prohibited.

42. No person shall take or kill, or attempt to take or kill, any game by using poison, and possession of poison by any trapper shall be *prima facie* evidence that it was used by him

in violation of this section; but the Department may issue to a limited number of trappers licences to use poison for the taking of wolves. R.S.O. 1937, c. 353, s. 39. *Amended.* Exception as to wolves.

43. No person shall discharge any air-gun, gun, rifle or other fire-arm in any locality which game usually inhabit, or in which game is usually found between one-half hour after sunset on Saturday and one-half hour before sunrise on Monday next following or between one-half hour after sunset and one-half hour before sunrise at any other time, except as may be provided by regulations. 1939, c. 16, s. 3. *Amended.* Shooting prohibited at certain times.

44. No person shall for hire, gain or reward, or hope thereof, hunt, take or kill any game, or employ, hire or for valuable consideration induce any other person to do any of those acts. R.S.O. 1937, c. 353, s. 42. *Amended.* Hunting for hire prohibited.

45. Nothing in this Act shall prevent the importation of game into Ontario from any place outside of Ontario where it is accompanied by an affidavit or statutory declaration, satisfactory to the Department, that the game was legally taken. R.S.O. 1937, c. 353, s. 55. *Amended.* Importation of game.

46.—(1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins, one hundred ducks, fifty geese and small game animals and birds not in excess of the number authorized to be taken or killed by this Act in respect to which open seasons are provided. 1939, c. 16, s. 7 (1); 1944, c. 22, s. 13. *Amended.* Export of game by non-residents.

(2) The holder of the licence shall attach the shipping coupon to each of those animals or to the receptacle containing them, or any part of them, or containing birds. R.S.O. 1937, c. 353, s. 59 (2); 1939, c. 16, s. 7 (2). *Amended.* Coupons.

47. No lease or conveyance having for its principal purpose or one of its principal purposes the granting of the exclusive rights to any person to hunt game on any property shall be valid unless the lease or conveyance has been submitted to and approved in writing by the Minister. *New.* Lease of hunting rights.

Fish and Frogs.

48. The Lieutenant-Governor in Council may set apart any waters for the natural or artificial propagation of fish. R.S.O. 1937, c. 353, s. 48. *Amended.* Waters set apart for propagation of fish.

49.—(1) No person shall angle for or take fish by any means from waters set apart for the propagation of fish, under section 48, but the Department may take fish for the stocking and rearing of fish for public waters or may permit Fishing in protected waters prohibited.

fish to be taken for scientific purposes. R.S.O. 1937, c. 353, s. 49 (1). *Amended.*

Angling in
licensed
waters
restricted.

(2) No person shall, for purposes of sale or traffic, angle for or take fish in fishing grounds or waters licensed for the purpose of net fishing and occupied by the holder of a licence for that purpose, or angle for any purpose within twenty-five yards of a pound net. R.S.O. 1937, c. 353, s. 49 (5). *Amended.*

No traffic
in certain
fish.

50.—(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout or Aurora trout, where they are propagated by the holder of the licence.

Idem.

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of yellow pickerel (also called pike-perch or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a licence.

Prohibition
against buy-
ing, selling
and possess-
ing fish
taken out
of season.
R.S.C., c. 73.

(3) No person shall buy, sell or possess any fish or portion of any fish, taken from Ontario waters during a closed season for that fish under the *Fisheries Act* (Canada). R.S.O. 1937, c. 353, s. 49 (6-8). *Amended.*

Artificial
lights.

51. Except under a licence, no person shall use artificial lights for the taking of frogs. 1938, c. 13, s. 11. *Amended.*

Buoys on
nets.

52.—(1) Every person who sets a net for the taking of fish shall attach a buoy to each end of it when in use.

Nets and
poles to
bear identi-
fication
marks.

(2) Every person who sets a net, or uses a pole for setting baited hooks, shall attach to it the name of the owner legibly marked on two pieces of metal or wood and he shall so preserve those marks during the fishing season as to be visible without taking up the net or pole, and any net or pole without those marks, and the hooks attached to the pole, shall be liable to confiscation. R.S.O. 1937, c. 353, s. 49 (2). *Amended.*

Joint
liability
of owner
and agent.

53. Where a fishery is in charge of any person other than the owner, either as occupant or servant, and any of the provisions of this Act are violated by that person or by the owner, they shall be jointly and severally liable for any penalties incurred and all damages recoverable in respect to the violation. R.S.O. 1937, c. 353, s. 49 (3). *Amended.*

Exclusive
right to
fish in
navigable
waters only
by express
grant.

54.—(1) The grant by patent, issued before or after the passing of this Act, of the bed of any navigable water, or of any lake or river shall not carry or include the exclusive right of fishing in the water which covers or flows over the land granted unless that exclusive right is expressly granted by the patent. R.S.O. 1937, c. 353, s. 4. *Amended.*

(2) No lease or conveyance made on or after the 26th day of June, 1939, granting exclusive rights to any person in or along any stream or lake which has been stocked with fish of any variety by the Department at any time after the 1st day of May, 1934, shall be valid unless the lease or conveyance has been submitted to and approved by the Minister. 1939, c. 16, s. 9. *Amended.*

Lease of
fishing
rights.

General Provisions.

55. No person who has taken or killed any bird, animal or fish, suitable for food, shall allow the flesh to be destroyed or spoilt, and no person who has taken or killed a fur-bearing animal shall allow the pelt to be destroyed or spoilt. R.S.O. 1937, c. 353, s. 36. *Amended.*

Flesh and
pelt not to
be wasted.

56.—(1) No person, while engaged in hunting or trapping game, or while going to or returning from a hunting camp or locality which game inhabits or where game is usually found, shall,—

(a) carry a loaded air-gun, shot-gun, rifle, or other fire-arm in or on, or discharge any of them from an aeroplane, motor car or other vehicle; or R.S.O. 1937, c. 353, s. 44, *part.* *Amended.*

Fire-arms
in vehicles.

(b) discharge any of them from or across a highway within the meaning of *The Highway Traffic Act*. 1944, c. 22, s. 12.

Discharge of
fire-arms.
Rev. Stat.,
c. 288.

(2) An air-gun, shot-gun, rifle or other fire-arm carrying loaded shells or cartridges in the magazine shall be deemed to be loaded within the meaning of clause *a* of subsection 1. R.S.O. 1937, c. 353, s. 44, *part.* *Amended.*

Loaded
fire-arm.

57.—(1) No person shall,—

(a) hunt any protected or unprotected bird or animal with an automatic or auto-loading shot-gun, in which the recoil is utilized to reload the gun, or carry a gun of this description for those purposes; 1938, c. 13, s. 9; 1939, c. 16, s. 4 (1), *part.* *Amended.*

Automatic
shot-gun.

(b) in those parts where pheasant may be legally taken, killed or shot, hunt any protected or unprotected bird or animal with a rifle or possess a rifle for that purpose during the open season for pheasants; 1939, c. 16, s. 4 (2). *Amended.*

Use of rifle
restricted.

(c) while employed in any lumber or mining camp or in connection with the construction or maintenance of

Certain
employees
not to carry
fire-arms.

any railway or public work, possess in the vicinity of any of them any gun or other fire-arm except under a licence, but this clause shall not apply to a resident employed by a railway company who does not carry or possess a fire-arm on a railway velocipede or hand-car however propelled; or 1938, c. 13, s. 10. *Amended.*

Hunting
equipment
not to be
used on
Crown game
preserves.

(d) possess or carry or use on Crown lands which have been designated by the Lieutenant-Governor in Council as a Crown game preserve, any fire-arm, trap or snare or any instrument for hunting, trapping, catching or killing any bird or animal, except as permitted by this Act. R.S.O. 1937, c. 353, s. 47 (2). *Amended.*

Exception.

(2) Clause *a* of subsection 1 shall not apply to any automatic or auto-loading shot-gun which has been reconstructed and plugged so as to be incapable of holding more than three shells at one time, one shell in the barrel and the others in the magazine. 1938, c. 13, s. 9; 1939, c. 16, s. 4 (1), *part.* *Amended.*

Special
licence.

(3) During the open season for deer and moose a licence to hunt deer or moose shall be deemed to be a licence within the meaning of clause *c* of subsection 1. R.S.O. 1937, c. 353, s. 46 (2). *Amended.*

Entrance
upon grow-
ing crops.

58.—(1) No person shall, at any time, with any sporting implement or fishing rod or tackle in his possession, enter or allow any dog to enter into any growing or standing grain or any other crop, whether of the same kind or not, without the permission of the owner.

Entrance
without
notice.

(2) No person shall at any time hunt or fish or with any sporting implement, fishing rod or tackle in his possession, go upon any enclosed or unenclosed land or water after he has had notice not to hunt or fish thereon by the owner, but this subsection shall not apply to any person travelling upon any water when the sporting implement, fishing rod or tackle is so encased or dismantled as to prevent its use while in transit. 1942, c. 18, s. 2 (1-2). *Amended.*

Notice
of pro-
hibition.

(3) The notice in subsection 2 may be given,— R.S.O. 1937, c. 353, s. 65 (2). *Amended.*

(a) in writing; or R.S.O. 1937, c. 353, s. 65 (2), cl. (a).

(b) by maintaining sign-boards at least one foot square and not more than eighty rods apart on or near the boundary of the land intended to be protected, or upon the shores of any water covering the land, or any part of the land, bearing in a conspicuous

manner words in the following form or to the like effect: "Hunting, shooting or fishing is prohibited". R.S.O. 1937, c. 353, s. 65 (2), cl. (b). *Amended.*

(4) No person shall,—

Wrongful
erection or
destruction
of notices.

(a) without authority put up or cause to be put up the notice in clause *b* of subsection 3 on land of which he is not the owner; or

(b) tear down, remove, injure, deface or interfere with any notice put up pursuant to this section or any notice or sign posted or placed by the Department. R.S.O. 1937, c. 353, s. 47 (1) and s. 65 (3), cl. (a-b). *Amended.*

(5) No person shall trespass upon, or without proper authority enter upon, the lands owned by the Crown designated as experimental fur-farms, bird-farms or trout-rearing stations, or climb over, break, or cut through the fences surrounding the lands for the purpose of entering on them or, while on the lands, possess or carry or use any spear, fire-arm, fishing net, fishing tackle, night-line or other contrivance or instrument for the hunting, trapping, fishing, spearing, catching or killing of any fish, bird or animal except as may be permitted by this Act. R.S.O. 1937, c. 353, s. 65 (5). *Amended.*

Trespassing
on experi-
mental
farms.

(6) In this section "owner" shall include any person who is the owner of an interest in any land entitling him to the possession of it, but shall not include the holder of a timber licence. 1942, c. 18, s. 2 (2). *Amended.*

"Owner".

(7) Nothing in this section shall limit or in any way affect the remedy at common law of any owner for trespass. R.S.O. 1937, c. 353, s. 65 (4).

Common
law remedy
for trespass.

59.—(1) No person shall sublet, transfer or assign any right, interest, or privilege granted to or conferred upon him under this Act, without the written consent of the Minister.

Transfer
of right or
privilege.

(2) The Deputy Minister may, subject to appeal to the Minister, cancel any licence where an error has been made when issuing it from any cause, but the holder shall have no claim for indemnity or compensation with respect to it other than the adjustment and refund of any excess fee collected. R.S.O. 1937, c. 353, s. 50 (1-2). *Amended.*

Cancellation
of licence in
event of
error.

60. No hotel, restaurant, boarding-house, camp or club shall serve as a part of a meal any game or fish under any pretended name, or serve under a false name any article of food classified as any game or fish the sale of which is prohibited under this Act. R.S.O. 1937, c. 353, s. 51. *Amended.*

Food
falsely
described.

Coupons on
hunting
licences.

61.—(1) There shall be attached to every hunting licence one or more shipping coupons plainly marked with the description of the game, for hunting which, the licence is issued, and there shall be printed or stamped upon the coupon the date of expiry, which shall not be later than four days after the last day of the open season for which the licence is issued.

Detachment
and can-
cellation
of coupons
upon ship-
ment of
big game.

(2) Where any deer or moose, or any part of them, is presented for shipment to a common carrier, a coupon shall be detached from the licence and signed by the holder of the licence in the presence of the shipping agent or clerk in charge of the office at the point of shipment and attached to each animal or part thereof or to the receptacle containing it, and then the shipping agent or clerk shall write "cancelled" across the face of the coupon, but where the animal or any part of it is transported by other than a common carrier the coupon shall be attached to the animal or part of it and similarly cancelled by the holder of the licence before transporting it.

Offences
related to
shipping.

(3) No person shall violate any provision of subsections 1 and 2 or use an expired coupon or ship or assist in shipping anything without a coupon where a coupon is by this Act required. R.S.O. 1937, c. 353, s. 54 (1-3). *Amended.*

Power of
inspection
by officers.

62. No person employed by a railway company, express company, or other common carrier or engaged in the business of cold storage, or lumbering, or dealing in game and fish, or in charge of any camp near any fishery or near any place which game inhabits or where game is usually found, or holding a licence, or owning or in charge of a motor vehicle, aeroplane, or any other flying machine, shall refuse to allow an officer to enter and inspect any railway car, building, premises, enclosure or motor vehicle, aeroplane, or any other flying machine, or any receptacle for the purpose of examining all game and fish taken, and all implements and appliances for hunting and fishing, or refuse an officer examination of any book, invoice or document containing any entry or memorandum relating to game and fish, which the officer suspects of being killed or possessed in violation of this Act, but he shall afford every reasonable facility for the examination and upon refusal the officer may, without a search warrant, break any lock or fastening that may be necessary in order to conduct the examination. R.S.O. 1937, c. 353, s. 52. *Amended.*

63.—(1) No railway or express company, or other common carrier, or any other person shall ship or transport or cause to be shipped or transported, or receive or possess for shipment or transport,—

- (a) any deer or moose or the head or any other part of them unless there is attached to it or the receptacle containing it, a shipping coupon detached from a licence; R.S.O. 1937, c. 353, s. 53 (1); 1939, c. 16, s. 51. *Amended.* Transport of deer or moose.
- (b) the head or antlers or both of any moose, unless there are produced at the same time at least the hind quarters of the carcass to which the head or antlers or both belonged; Transport of moose head or antlers.
- (c) any deer or moose or any part of them during the closed season or after the expiry of the shipping coupon attached thereto, except under a licence; or R.S.O. 1937, c. 353, s. 53 (2-3). *Amended.* Transport of big game in closed season.
- (d) fish or game caught, taken or killed within Ontario at a time or in a manner prohibited by law. R.S.O. 1937, c. 353, s. 56. *Amended.* Transport of fish or game illegally taken.

(2) No person shall during the transporting of any deer or moose or the head or other part of them, conceal or attempt to conceal the whole or any part of the carcass. R.S.O. 1937, c. 353, s. 53 (5). *Amended.* Carcass concealed during transport.

(3) The Department may issue at any time a licence to transport deer or moose or any part of them, upon proof by affidavit or statutory declaration satisfactory to the Department that the deer, moose or part thereof has been lawfully taken. R.S.O. 1937, c. 353, s. 53 (4). Transport of deer, moose, etc., without shipping coupon.

64.—(1) All receptacles in which game or fish or pelts or the skins of any other protected animals are packed for transportation, including transportation by hand or otherwise, shall be plainly marked on the outside in such a manner as to give a list and description of the contents and the name and address of the consignee and consignor. Receptacles to be marked.

(2) Shipments of pelts shall only be made by express or parcel post, and no shipment of pelts shall be made by aeroplane or in any other manner not provided for in this subsection, except under the authority of a licence. R.S.O. 1937, c. 353, s. 58; 1939, c. 16, s. 6. *Amended.* Shipment of pelts.

65. The Department may issue licences, not inconsistent with any law of Canada, to export from Ontario or to transport within Ontario, at any time, any game or fish, whether dead or alive. R.S.O. 1937, c. 353, s. 57. *Amended.* Transport of game or fish under licence.

66. The Minister may direct the refund of the whole or any part of the fee paid for any licence, where, owing to the Refund of fees.

licence not having been used, or having been used for part only of the period for which it was issued, he deems it just, and the Treasurer of Ontario, upon the written request of the Minister, shall cause the refund to be made to the holder of the licence. R.S.O. 1937, c. 353, s. 60. *Amended.*

Revenue.

67. Save as otherwise provided by this Act all rentals, licence fees, fines, penalties, proceeds of the sales of game and fish, and of all articles confiscated, and other receipts, fees and revenue under this Act, or under any lease, licence or instrument by this Act authorized, shall be paid to the Treasurer of Ontario. R.S.O. 1937, c. 353, s. 5. *Amended.*

Procedure.

Prosecutions.

68.—(1) Prosecutions for offences against this Act or for the recovery of penalties imposed by it, may be brought and heard before any magistrate for the county, district, village, town or city in which the offence was committed, but where the offence was committed near or on a boundary line between two counties or between two districts or between a county and a district the prosecution may be brought and heard before a magistrate in either of them.

Limitation.

(2) The information upon which the prosecution is based, shall be laid within twelve months after the commission of the offence, except where the prosecution is for omission to make any return required by this Act.

Offences.

(3) A violation of this Act or of the regulations or of the terms or conditions of a licence shall be, and may be stated as, an offence against this Act.

Description of offence.

(4) The description of an offence in the words of this Act or of the regulations, or in any words to the like effect shall be sufficient, and an information may be for more than one offence.

Multiple offences.

(5) A violation of this Act shall constitute a separate offence in respect to each animal or bird which is the subject of the prosecution.

Similar offences on the same day.

(6) Where at the trial of any prosecution under this Act it appears in evidence that more than one offence of the same kind was committed at the same time, or on the same day, the court shall in one conviction impose all the penalties at the same time.

Committal on non-payment of penalty.

(7) The court shall in the conviction adjudge that the person accused and found guilty be imprisoned for a term not exceed-

ing two years, unless the penalty and the costs of prosecution and committal and of conveying him to prison are sooner paid.

(8) A conviction or order made under this Act, either ^{Defects of form.} originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person has a right of appeal, shall not be removed, at the instance of any person or of the Crown into the Supreme Court by *certiorari* or otherwise.

(9) *The Summary Convictions Act* shall apply to all prosecutions under this Act, except where herein otherwise provided. R.S.O. 1937, c. 353, s. 66 (1-4), (6-10). *Amended.* ^{Procedure. Rev. Stat., c. 136.}

Evidence.

69. In actions and prosecutions under this Act in respect ^{Onus of proof,—} to,—

- (a) taking, killing, procuring or possessing any game or ^{game and fish.} fish, or any part of either of them, the onus shall be upon the person charged to prove that the game or fish or any part of either of them was lawfully taken, killed, procured or possessed by him;
- (b) setting a net, fishing device or other article, the ^{fishing devices;} finding of any of them set in violation of this Act shall be *prima facie* evidence of the guilt of the person owning, possessing or operating any of them; or
- (c) hunting, the possession in or near any place which ^{fire-arms.} game inhabits or where game is likely to be found, of a gun, decoy or other implement for hunting, shall be *prima facie* evidence that the person in possession of any of them was hunting. R.S.O. 1937, c. 353, s. 67 (1-3). *Amended.*

Penalties.

70.—(1) A person who commits an offence against this Act in respect to,—

- (a) deer, moose, caribou or wapiti shall incur a penalty ^{Deer, etc.} of not less than \$20 and not more than \$100;
- (b) otter, fisher or marten or their pelts, other than the ^{Otter, fisher, or marten.} exporting of any of them, shall incur a penalty of not less than \$20 and not more than \$100 for each animal or pelt the subject of the prosecution;

Export of
otter,
fisher,
or marten.

- (c) the exporting of otter, fisher or marten or their pelts shall incur a penalty of not less than \$30 and not more than \$200 for each animal or pelt the subject of the prosecution;

Beaver.

- (d) beaver or their pelts, other than the exporting of them, shall incur a penalty of not less than \$50 and not more than \$100 for each animal or pelt the subject of the prosecution;

Export of
beaver.

- (e) the exporting of beaver or their pelts shall incur a penalty of not less than \$50 and not more than \$200 for each animal or pelt the subject of the prosecution; or

All other
fur-bearing
animals.

- (f) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, otter, fisher or marten, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution. R.S.O. 1937, c. 353, s. 68 (2-5). *Amended.*

Violation
of terms
of licence.

- (2) A person who violates the terms or conditions of his licence shall incur a penalty of not less than \$10 and not more than \$300. R.S.O. 1937, c. 353, s. 68 (1). *Amended.*

Shipment of
pelts of
animals by
aeroplane.

- (3) A person who commits an offence against section 64 in respect to the shipment of pelts by aeroplane or by any other manner not provided for in that section, shall incur a penalty of not less than \$50 and not more than \$500. 1939, c. 16, s. 8, *part.* *Amended.*

Fire-arms
on Crown
game
preserves.

- (4) A person who commits an offence against the provisions of clause *d* of subsection 1 of section 57, shall incur a penalty of not less than \$50 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (6).

Maskinonge.

- (5) A person who commits an offence against this Act in respect to maskinonge shall incur a penalty of not less than \$10 and not more than \$100 for each maskinonge the subject of the prosecution. 1939, c. 16, s. 8, *part.* *Amended.*

Trespass
on Crown
property.

- (6) A person who commits an offence against the provisions of subsection 5 of section 58 shall incur a penalty of not less than \$100 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (7).

Interference
with officers.

- (7) A person convicted of an offence against subsection 7 of section 7 shall incur a penalty of not less than \$100 and not more than \$500. R.S.O. 1937, c. 353, s. 68 (10). *Amended.*

(8) A person who commits an offence against subsection 7 of section 21 shall incur a penalty of not less than \$20 and not more than \$100. *New.* Multiplicity of offences.

(9) Except as herein otherwise provided, a person who commits an offence against this Act shall incur a penalty of not less than \$10 and not more than \$100. R.S.O. 1937, c. 353, s. 68 (8). *Amended.* General penalty.

(10) A person who, after having been convicted of an offence against this Act, within two years again offends against this Act, shall incur a penalty of not less than double the minimum penalty provided for the offence, and upon a third or subsequent conviction at any time thereafter he shall incur a penalty of not less than the maximum penalty provided for the offence. R.S.O. 1937, c. 353, s. 68 (9). *Amended.* Second and subsequent offences.

(11) No court shall remit any penalty or reduce the amount of the penalty after conviction, but where the penalty exceeds \$200 the Minister may remit the excess. R.S.O. 1937, c. 353, s. 68 (11). *Amended.* Remission or reduction of penalties.

(12) Where an offence against this Act is committed in a provincial park within the meaning of *The Provincial Parks Act*, or within one mile thereof, the minimum and maximum penalties incurred shall be increased to double the amount set forth in this section for that offence. *New.* Offence in Provincial parks. Rev. Stat., c. 94.

71.—(1) All motor vehicles, or vehicles of any description, aeroplanes, guns, ammunition, boats, rafts, skiffs, canoes, punts and vessels of every description, decoys, nets, rods, lines, tackle, and all fishing gear, materials, implements or appliances of every kind used for hunting and fishing, and all game and fish, together with packages, crates or containers of every description used in violation of this Act and found in the possession of any person suspected of having committed an offence against this Act shall be seized, and upon conviction, be forfeited to and become the property of the Crown in right of Ontario and sold by the Department, but where the seizure is made from a person unknown, perishable game or fish shall be forfeited to and become the property of the Crown in right of Ontario and sold forthwith by the Department, and any other property seized shall be forfeited to, and become the property of the Crown in right of Ontario and sold by the Department after the expiration of thirty days. Seizure and confiscation of game and other property.

(2) A seine net found in or near waters in which fishing by seines is permitted, where the net is not claimed within two days by a person holding a licence to fish with a seine Unlicensed seines to be seized.

net, or found in or near waters in which fishing by seines is prohibited, shall be seized and forfeited to and become the property of the Crown in right of Ontario and sold by the Department.

Relief from
forfeiture.

(3) Where the Minister is satisfied that the seizure of any property other than game or fish would work undue hardship or injustice and the value of that property is in excess of \$100, the Minister may grant relief from forfeiture and direct the return of the property to the person from whom taken upon such terms as he may deem just.

Disposal
of certain
properties
seized.

(4) The Deputy Minister may after a conviction authorize any officer to destroy any property forfeited, the possession of which is at all times unlawful, or any property having no commercial value, and also authorize any perishable game or fish to be given to a charitable institution.

Cancellation
and revival
of licence
after con-
viction.

(5) A licence held by a person convicted of an offence against this Act or the Special Fishery Regulations shall be deemed to be cancelled without further action or notice, but the Minister may revive the licence where there has been no conviction for an offence against this Act during the period of two years immediately preceding the cancellation. R.S.O. 1937, c. 353, s. 69 (1-5). *Amended.*

Regulations.

Regulations. **72.** The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, form, renewal, transfer, refusal and cancellation of licences under this Act and the Special Fishery Regulations, prescribing their duration, territorial limitation, terms and conditions, and the fees payable in respect to them, where those fees are not prescribed by this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (q). *Amended.*
- (b) prescribing the terms and conditions governing the issue of a licence other than a trapper's licence to a person under the age of sixteen years; *New.*
- (c) providing that every person holding any lease or licence under this Act, and all fish companies and fish dealers, keep such records and make such reports and returns as may be prescribed; R.S.O. 1937, c. 353, s. 6 (1), cl. (b). *Amended.*

- (d) authorizing townships or township organizations approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants and rabbits within the township or within the lands controlled by the township organizations; 1938, c. 13, s. 3. *Amended.*
- (e) for granting without fee a licence to a guest of Ontario to angle and hunt; R.S.O. 1937, c. 353, s. 6 (1), cl. (r).
- (f) prescribing a closed season for, and restricting the taking of, frogs and setting apart any suitable waters for their propagation; R.S.O. 1937, c. 353, s. 6 (1), cl. (m). *Amended.*
- (g) restricting or prohibiting the possession of air-guns, guns, rifles, or other fire-arms in any part of Ontario in which it may appear desirable to take special means to prevent violations of this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (e). *Amended.*
- (h) authorizing and regulating the sale of game imported into Ontario and lawfully hunted, killed, or procured according to the law of the place in which the same was killed or procured; R.S.O. 1937, c. 353, s. 6 (1), cl. (o). *Amended.*
- (i) varying the open season for any game in any part of Ontario, the variation not to extend beyond one season; R.S.O. 1937, c. 353, s. 6 (1), cl. (d). *Amended.*
- (j) designating parts of Ontario in which no person shall hunt, take, pursue, kill, wound or destroy any game at any time of the year, subject to such exceptions as may be deemed reasonable; R.S.O. 1937, c. 353, s. 6 (1), cl. (h). *Amended.*
- (k) prohibiting for a period of not more than three years at a time the hunting, purchase, sale or possession in any part of Ontario of any game bird, non-game bird or any insectivorous bird, where they are not protected by the *Migratory Birds Convention Act* R.S.C., (Canada); R.S.O. 1937, c. 353, s. 6 (1), cl. (c). ^{c. 130.} *Amended.*
- (l) governing or prohibiting the purchase and sale of or traffic in quail, partridge, pheasants or other game birds not protected by the *Migratory Birds Convention Act* (Canada); R.S.O. 1937, c. 353, s. 6 (1), cl. (n), part. *Amended.*
- (m) exempting Indians in the northerly or north-westerly or any sparsely settled parts of Ontario whether

organized or unorganized, from any provisions of this Act; R.S.O. 1937, c. 353, s. 6 (1), cl. (i).
Amended.

(n) for making, keeping, searching for, obtaining and taking over all archives, records, books, regulations, Orders-in-Council, documents and accounts in the custody of the Government of Canada or of the Government of Ontario, or otherwise existing, in any way relating to the game or fisheries of Ontario; R.S.O. 1937, c. 353, s. 6 (1), cl. (a).

(o) prescribing royalties; and

(p) generally for the better carrying out of the provisions of this Act. *New.*

Repeal.

Rev. Stat.,
c. 353;
1938, c. 13;
1939, c. 16;
1942, c. 18;
1944, c. 22,
repealed.

73. *The Game and Fisheries Act, The Game and Fisheries Amendment Act, 1938, The Game and Fisheries Amendment Act, 1939, The Game and Fisheries Amendment Act, 1942, and The Game and Fisheries Amendment Act, 1944, are repealed.*

Short Title.

Short title,

74. This Act may be cited as *The Game and Fisheries Act, 1946.*

CHAPTER 34.

An Act to amend The Gasoline Handling Act.

Assented to April 5th, 1946.

Session Prorogued April 5th, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *ii* of section 12 of *The Gasoline Handling Act*, as Rev. Stat.,
enacted by section 1 of *The Gasoline Handling Amendment* c. 332, s. 12,
Act, 1943, is repealed. cl. *ii*
(1943,
c. 8, s. 1),
repealed.

2. This Act may be cited as *The Gasoline Handling Amend- Short title.*
ment Act, 1946.

CHAPTER 35.

An Act to amend The Gasoline Tax Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *aa* and *aaa* of section 3 of *The Gasoline Tax Act*, as enacted by section 1 of *The Gasoline Tax Amendment Act, 1943*, are repealed and the following substituted therefor: Rev. Stat., c. 32, s. 3, (1943), re-enacted.

(*aa*) prescribing the remuneration to be paid to persons charged with the collection of the tax;

(*aaa*) requiring the furnishing of surety bonds by persons charged with the collection of the tax and prescribing the form and amount of such bonds.

(2) The said section 3 is further amended by adding thereto the following clause: Rev. Stat., c. 32, s. 3, amended.

(*cc*) exempting any class of persons from the payment of the charge or tax imposed by this Act.

(3) Clause *d* of the said section 3 is amended by inserting after the word "the" in the third line the words "records and", so that the said clause shall now read as follows: Rev. Stat., c. 32, s. 3, cl. d, amended.

(*d*) refunding any charge or tax paid under the provisions of this Act, or any portion thereof to any purchaser or class of purchasers and prescribing the records and material to be furnished upon any application for a refund.

2. Section 5a of *The Gasoline Tax Act*, as enacted by section 3 of *The Gasoline Tax Amendment Act, 1943*, is repealed. Rev. Stat., c. 32, s. 5a (1943), repealed.

3. This Act may be cited as *The Gasoline Tax Amendment Act, 1946*. Short title

CHAPTER 36.

An Act respecting The Hamilton Street
Railway Company.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS The Hamilton Street Railway Company, Preamble.
incorporated by an Act to incorporate The Hamilton
Street Railway Company, being Chapter 100 of the statutes
passed at the session of the second Parliament of Ontario,
has an authorized share capital of \$4,000,000 divided into
80,000 shares of \$50 each, of which 64,100 have been issued
and are owned by The Hydro-Electric Power Commission of
Ontario; and whereas the Commission desires to sell or dispose
of the shares of the Company;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

Interpre-
tation,—

1. In this Act,—

- (a) "Commission" shall mean The Hydro-Electric Power "Commis-
sion";
Commission of Ontario; and
- (b) "Company" shall mean The Hamilton Street Railway "Company";
Company.

2.—(1) The share capital of the Company is hereby Share
capital
reduced.
reduced from \$4,000,000 divided into 80,000 shares of \$50
each to \$2,000,000 divided into 80,000 shares of \$25 each.

(2) Such reduction shall be effected by returning to the How
reduction
effected.
Commission the sum of \$25 per share of its holdings of such
shares and by reducing the par value of all the shares of the
capital stock of the Company from the par value of \$50 per
share to the par value of \$25 per share.

3. Forthwith upon the coming into force of this section,—

- (a) the Company shall pay to the Commission the sum of Payment by
Company to
Commission.
\$25 per share of its holdings of such shares; and
- (b) the Commission shall surrender its share certificates Surrender of
certificates
by Commis-
sion.
to the Company and on such surrender shall be

entitled to receive a certificate for one fully paid share of the par value of \$25 for each fully paid share of \$50 represented by the certificates so surrendered.

Sale of
shares by
Commission
to City.

4.—(1) The Commission shall not later than the 15th day of April, 1946, offer to sell as of May 31, 1946, to the Corporation of the City of Hamilton all of the issued shares in the capital stock of the Company for the price of \$1,300,000 upon such terms and subject to such conditions with respect to prior disposal to the Commission of certain assets of the Company, other than its franchises, rolling stock, tracks, overhead distribution system, equipment, lands and interests in lands, materials and supplies, and with respect to adjustment of other matters as to the Commission seems proper.

Notice as to
submission
of by-law.

(2) The municipal council of the city of Hamilton shall not later than the 30th day of April, 1946, give notice in writing to the Commission of its intention to submit or not to submit a proposed by-law for the purchase of the said shares to the electors for their assent.

Submission
of by-law.

5. In the event that the municipal council of the city of Hamilton determines to submit a proposed by-law to the electors, then notwithstanding anything contained in any general Act,—

- (a) the proposed by-law shall be so submitted not later than the 15th day of June, 1946;
- (b) a copy of the proposed by-law shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law and that, if the assent of the electors is obtained to it, it will be taken into consideration by the council forthwith and that a tenant who desires to vote must deliver to the Clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 283 of *The Municipal Act* and stating also the day and places appointed for taking the votes and the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk;
- (c) if a majority of the electors shall vote in favour of the proposed by-law, it shall within seven days after its submission to the electors be submitted to the Ontario Municipal Board for approval and, upon such approval being obtained, the council, if it

determines to pass the said by-law, shall do so within seven days after the date of such approval and not afterwards;

- (d) No person shall be entitled to apply for a scrutiny of votes and no promulgation of the by-law shall be required; and
- (e) upon being passed by the council, the by-law shall be valid and binding according to its terms, and the purchase of the shares authorized thereby shall be completed not later than the 31st day of August, 1946.

6. If the municipal council of the city of Hamilton fails to give notice as required by subsection 2 of section 4 or does not submit a proposed by-law to the electors on or before the 15th day of June, 1946, or if, upon being so submitted, the electors refuse their assent thereto, the Commission may sell its share in the Company to any person other than the corporation of the city of Hamilton for such price and upon such terms and conditions as to the Commission seems proper.

Sale of shares to other than City.

7. Neither the Company nor any present or future shareholder of the Company nor any other person shall have any claim, demand or cause of action against the Commission or any director or officer of the Company or any person who has purported to act as such director or officer for or by reason of any act, contract, by-law, proceeding, appointment or payment enacted, made, done, taken or omitted in good faith by the directors or officers of the Company or by persons purporting to act as such directors or officers in their capacities as such directors or officers since the date upon which the Commission acquired the ownership of all the outstanding shares in the capital stock of the Company and all such acts, contracts, by-laws, proceedings, appointments and payments are hereby validated, ratified and confirmed.

Claim, etc., against Commission.

Validation of contracts, by-laws, etc.

8. Section 7 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and the remaining sections shall come into force on the day upon which this Act receives the Royal Assent.

Commencement of Act.

9. This Act may be cited as *The Hamilton Street Railway Act, 1946*.

Short title.

CHAPTER 37.

An Act to amend The High Schools Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 4,
re-enacted.
- 4.—(1) The council of any county at the request of the council of any municipality not separated from the county may, subject to the approval of the Minister, by by-law unite such municipality or any portion thereof with any high school district established by by-law of the county council and the union shall take effect on the 1st day of January next following the expiration of six months after the passing of the by-law.

Area of
high school
district may
be enlarged.
- (2) Where a union effected under the provisions of subsection 1 unites two or more high school districts the assets of the boards of such districts shall forthwith be vested in and the liabilities thereof shall forthwith become the liabilities of the board of the enlarged high school district unless otherwise provided by the by-law.

Assets and
liabilities.
2. Section 5 of *The High Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 360, s. 5,
re-enacted.
- 5.—(1) The council of any county may, subject to the approval of the Minister and at the request of the council of any municipality not separated from the county and which forms part of a high school district established by by-law of the county council, by by-law detach the municipality or any part thereof from such high school district, but such by-law shall not take effect until the 1st day of January next following the expiration of six months after the passing thereof.

Area of
high school
district
may be
decreased.

Payment of
rates.

- (2) Where a municipality or part thereof is detached from a high school district under the provisions of subsection 1, such municipality or part thereof shall not be relieved from any rates imposed for the payment of debentures or other debts incurred while forming part of such district unless otherwise provided in the by-law.

Rev. Stat.,
c. 360, s. 6,
amended.

3. Section 6 of *The High Schools Act* as amended by section 11 of *The School Law Amendment Act, 1938*, subsections 1 and 2 of section 2 of *The School Law Amendment Act, 1940*, and section 6 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Parts of
adjoining
counties
may be
contained in
high school
district.

- (7) On or before the 1st day of July in any year, subject to the approval of the Minister first being obtained, upon the request of the municipalities concerned and of the board of any existing high school district affected, the councils of adjoining counties may by by-law provide that any adjoining municipality or part of a municipality in either county may be included in a high school district.

Rev. Stat.,
c. 360, s. 11,
amended.

4. Section 11 of *The High Schools Act* is amended by adding thereto the following subsection:

Appoint-
ment.

- (3) Trustees shall be appointed at the last regular meeting held by the appointing body in the calendar year and shall take office on the 1st day of January of the following year.

Rev. Stat.,
c. 360, s. 24,
amended.

5.—(1) Section 24 of *The High Schools Act* is amended by adding thereto the following clause.

Insurance.

- (ff) to make provision for insuring adequately the school buildings and equipment.

Rev. Stat.,
c. 360, s. 24,
cl. 1,
re-enacted.

(2) Clause 1 of the said section 24 as amended by subsection 2 of section 17 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Estimates
to be
submitted to
municipal
council.

- (l) to prepare and submit to the municipal council or councils liable under this Act on or before such times as the council may prescribe, estimates for the current year of all sums required to be provided by the council to meet expenditures for maintenance of the schools under the charge of the board during the current calendar year and for the payment of fees of resident pupils who may attend high schools or grade A or grade B continuation schools outside the

high school district but which they may attend as resident pupils, and such estimates,

- (i) shall show the amount of any surplus or deficit remaining at the end of the preceding year and the revenues estimated to be derived from legislative grants, any county or other municipality, fees and from all other sources, and
- (ii) may include such additional sum as may be deemed expedient for permanent improvements to be made during the same period,

provided that the board of a high school district consisting of a municipality which has become subject to Part III of *The Department of Municipal Affairs Act* and which is unable to obtain the approval of the Ontario Municipal Board to the issuing of debentures for permanent improvements of a high school or high schools shall not include in its estimates any sum for permanent improvements without the approval of the municipal council concerned.

(3) Clause *ll* of the said section 24 as enacted by subsection 1 of section 6 of *The School Law Amendment Act, 1943*, is repealed. Rev. Stat.,
c. 360, s. 24,
cl. *ll*, (1943,
c. 26, s. 6,
subs. 1),
repealed.

6. Section 24*a* of *The High Schools Act* as enacted by section 4 of *The School Law Amendment Act, 1944*, is repealed. Rev. Stat.,
c. 360, s. 24*a*,
(1944,
c. 56, s. 4),
repealed.

7. Section 27 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 360, s. 27,
re-enacted.

27. Where two or more high schools are under the control of a board, the board may appoint such supervising officials as it deems necessary and, subject to the regulations, shall have power to prescribe the duties of such officials. Supervising
officials.

8. Clause *a* of subsection 1 of section 36 of *The High Schools Act* as amended by subsection 1 of section 19 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat.,
c. 360, s. 36,
subs 1,
cl. *a*,
re-enacted.

- (a) First, the total gross current expenditures for the calendar year for maintenance of the school and for permanent improvements, and for meeting all payments falling due for such year for a sinking fund or principal and interest upon any debentures issued in respect to such school shall be ascertained. How cal-
culated.

Rev. Stat.,
c. 360, s. 42,
re-enacted.

9. Section 42 of *The High Schools Act* as amended by section 21 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

Councils
may levy
uniform
rates in
high school
districts.

42.—(1) The municipal council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board such amount as the board may deem necessary for the maintenance of the high school or high schools under the jurisdiction of the board, for the payment of the fees of pupils legally attending other high schools, continuation schools or vocational schools, for capital expenditures out of current revenue authorized by the Ontario Municipal Board and for the payment of any capital charges which may become due on debentures or other capital loans; and such amount shall be levied by one uniform rate over the whole district based on the total local assessment for high school, continuation school and vocational school purposes of all municipalities or portions of municipalities comprising the district, unless one or more of the councils of the municipalities comprising the district assume greater obligations when the rate shall be such as may be mutually agreed upon.

Assessors
may deter-
mine
whether
rates to be
uniform.

(2) Where, in the opinion of the council of any municipality forming part of a high school district, the levy of one uniform rate over the whole district as provided in subsection 1 causes hardship to such municipality or part thereof, and the councils of the municipalities comprising the district fail to agree that one or more of such councils shall assume obligations greater than those provided by a uniform rate, the assessors of the municipalities comprising the district after they have completed their respective assessments and before the 1st day of March, shall meet together with the county or district judge and determine by vote what proportion of the annual requisition made by the board shall be levied by and collected from the several municipalities or parts of municipalities comprising the district.

Meeting.

(3) The meeting shall be called by the secretary of the board, or, where there is no board, by the public school inspector.

Deciding
vote.

(4) The judge shall not vote with the assessors except where there is an equality of votes when he shall cast the deciding vote.

10.—(1) Subsection 1 of section 43 of *The High Schools Act* Rev. Stat., c. 360, s. 43, subs. 1, amended. as amended by section 22 of *The School Law Amendment Act, 1938*, is further amended by striking out the words "Subject to the provisions of clause 1 of section 24 where the sum required by a board for permanent improvements exceed \$500 for any one school, the same shall" in the first, second and third lines and inserting in lieu thereof the words "Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may", so that the said subsection shall now read as follows:

- (1) Subject to the approval of the Ontario Municipal Board, the sums required by a board for permanent improvements may be raised on the application of the board by the issue of municipal debentures as herein provided, and all sums required to pay off such debentures and to pay interest thereon and the expenses connected therewith shall be raised by assessment on the ratepayers of the municipality or municipalities or parts thereof comprising the high school district. Debentures may be issued for permanent improvements.

- (2) Subsection 8 of the said section 43 is repealed.

Rev. Stat., c. 360, s. 43, subs. 8, repealed.

11. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act.

12. This Act may be cited as *The High Schools Amendment Act, 1946*. Short title.

CHAPTER 38.

An Act to amend The Highway Improvement Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 52 of *The Highway Improvement Act* is amended Rev. Stat., c. 56, s. 52, amended. by striking out all the words after the word "in" in the fourteenth line and inserting in lieu thereof the words "determining the expenditure of the township on which any grant may be paid out of the Fund", so that the said section shall now read as follows:

52. The council of a township which has by by-law abolished statute labour and, Different rates in summer resort or suburban areas.

(a) in which subdivisions have been laid out; or

(b) portions of which are used or occupied as summer resorts or are adjacent to a city,

may by by-law separate such subdivisions or portions for the purposes of taxation under this Act from the remainder of the township by defining the limit of such subdivisions or portions and in imposing the township rate for road purposes may impose and levy a higher rate upon such subdivisions or portions than upon the remainder of the township, but no such by-law shall have effect until the same has been approved of in writing by the Minister and the amount raised by increasing such rate shall not be included in determining the expenditure of the township on which any grant may be paid out of the Fund.

2. Clause *a* of subsection 3 of section 52*b* of *The Highway Improvement Act* as enacted by section 26 of *The Highway Improvement Amendment Act, 1944*, is repealed and the following Rev. Stat., c. 56, s. 52*b*, subs. 3, cl. *a* (1944, c. 23, s. 26), re-enacted. substituted therefor:

"cost of work".

- (a) "cost of work" shall include the actual amount paid for materials and rental of machinery, the value of labour employed on the work, the salary of the secretary-treasurer of the road commissioners elected under *The Statute Labour Act* and the sheriff's costs in connection with the sale of land for arrears of statute labour; and

Rev. Stat.,
c. 56,
amended.

3. *The Highway Improvement Act* is amended by adding thereto the following Part:

PART IVB

DEVELOPMENT ROADS.

"Development road".

- 52c. The Minister may designate as a "development road" any road or proposed road which he may deem it expedient to construct, improve or maintain in order to promote or maintain settlement or development in any part of Ontario.

Agreement with municipality as to construction, etc.

- 52d.—(1) Where a road under the jurisdiction of the council of any municipality not being a city or separated town is designated as a development road the Minister may enter into an agreement with the corporation of the municipality for the construction, improvement, maintenance or repair of such development road, and may direct payment out of the Fund of such proportion of the cost thereof as he may deem requisite.

Road not to become property of Crown.

- (2) A development road constructed, improved or maintained under an agreement made pursuant to subsection 1 shall not become or be the property of the Crown, but shall remain under the jurisdiction of the council of the municipality.

In unorganized territory.

- 52e. Where a development road is situate in territory without municipal organization the Minister may arrange for its construction, improvement, maintenance or repair as provided in subsection 1 of section 52b.

Rev. Stat.,
c. 56,
Part VA
, 1939,
c. 19, s. 8),
repealed.

4. Part VA of *The Highway Improvement Act* as enacted by section 8 of *The Highway Improvement Amendment Act, 1939*, and amended by section 30 of *The Highway Improvement Amendment Act, 1944*, is repealed.

Short title.

5. This Act may be cited as *The Highway Improvement Amendment Act, 1946*.

CHAPTER 39.

An Act to amend The Highway Traffic Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* as enacted by section 1 of *The Highway Traffic Amendment Act, 1943*, is amended by striking out the word and figure "subsection 1" in the third line and inserting in lieu thereof the words, figures and letters "subsections 1, 5, 5a and 5b", so that the said subsection shall now read as follows:

(3) The provisions of subsection 2 shall not apply to a motor vehicle parked on a highway and the provisions of subsections 1, 5, 5a and 5b shall not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than thirty miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions such vehicle is clearly discernible within a distance of two hundred feet.

(2) Subsection 7 of the said section 10 is repealed and the following substituted therefor:

(7) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp which casts a red light.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

10a. Every vehicle which is equipped with a right hand drive shall have prominently displayed on the rear

thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—

“RIGHT HAND DRIVE VEHICLE”.

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

3.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding at the commencement thereof the words “Subject to the provisions of subsection 2”, so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

- (1) Subject to the provisions of subsection 2, no motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour; but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 26 is repealed and the following substituted therefor:

Speed limit.

- (2) No motor vehicle shall be driven,—

(a) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway pursuant to the provisions of *The Highway Improvement Act*; or

Rev. Stat.,
c. 56.

(b) upon any highway outside of a city, town or village,

over level
crossing.

at a greater rate of speed than fifty miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour.

Rev. Stat.,
c. 288, s. 35,
amended.

4.—(1) Section 35 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Surrender
of permit.

- (2a) The provisions of subsection 2 shall not apply when a permit has been surrendered for transfer of registration or whenever such surrender is required by law.

(2) Subsection 8 of the said section 35 is amended by inserting after the word "Department" in the second line the words "and highways in territory without municipal organization", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 35,
subs. 8,
amended.

- (8) In the case of highways under the jurisdiction of the Department and highways in territory without municipal organization, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 3, 4 and 5 to extend and apply during any period of the year.

Extension
of period
by Lieu-
tenant-
Governor
in Council.

- (3) Subsection 9 of the said section 35 is repealed.

Rev. Stat.,
c. 288, s. 35,
subs. 9,
repealed.

5. Section 40 of *The Highway Traffic Act* as amended by section 9 of *The Highway Traffic Amendment Act, 1938*, and section 11 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 288, s. 40,
amended.

- (7) Notwithstanding the provisions of this section no person shall park or leave standing any vehicle whether attended or unattended upon the travelled portion of any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway.

Vehicles
interfering
with traffic.

- (8) A constable or an officer appointed for the carrying out of the provisions of this Act upon discovery of any vehicle parked or left in contravention of subsection 7 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon such vehicle and may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Powers of
constable
to remove
vehicle.

Rev. Stat.,
c. 200.

6. Section 46 of *The Highway Traffic Act* is amended by inserting after the word "Council" in the third line the words "or of any municipal by-law for regulating traffic approved by the Department", so that the said section shall now read as follows:

Rev. Stat.,
c. 288, s. 46,
amended.

46. The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of such violation the motor vehicle was in the

Motor
owner and
driver
liable for
penalties.

possession of some person other than the owner or his chauffeur, without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

Rev. Stat.,
c. 288, s. 56,
amended.

7. Section 56 of *The Highway Traffic Act* as amended by section 10 of *The Highway Traffic Amendment Act, 1938*, section 10 of *The Highway Traffic Amendment Act, 1939*, and section 8 of *The Highway Traffic Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Seizure,
etc., of
vehicle upon
conviction
of certain
offences.

(1b) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless such person has been given notice,—

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law."

Rev. Stat.,
c. 288, s. 64,
subs. 2,
amended.

8. Subsection 2 of section 64 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and shall be *prima facie* evidence of the facts contained therein", so that the said subsection shall now read as follows:

Evidence.

(2) A copy of any writing, paper or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or the Registrar under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature and shall be *prima facie* evidence of the facts contained therein.

Rev. Stat.,
c. 288, s. 78,
amended.

9. Section 78 of *The Highway Traffic Act* as amended by section 17 of *The Highway Traffic Amendment Act, 1938*, section 12 of *The Highway Traffic Amendment Act, 1939*, and section 16 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

- (1a) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless such person has been given notice,—

Suspension of licence and permit upon conviction of certain offences.

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's license and owner's permit shall be forthwith suspended by the Minister of Highways."

10. Subsection 2 of section 79 of *The Highway Traffic Act* is amended by striking out the words "by proclamation" in the sixth line, so that the said subsection shall now read as follows:

Rev. Stat., c. 288, s. 79, subs. 2, amended.

- (2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state.

Reciprocal effect of subs. 1 with states having similar legislation.

11. Section 97 of *The Highway Traffic Act* is repealed.

Rev. Stat., c. 288, s. 97, repealed.

12.—(1) This Act, except subsection 2 of section 4, shall come into force on the 1st day of July, 1946.

Commencement of Act.

(2) Subsection 2 of section 4 shall come into force on the day upon which this Act receives the Royal Assent.

Commencement of s. 4, subs. 2.

13. This Act may be cited as *The Highway Traffic Amendment Act, 1946*.

Short title.

CHAPTER 40.

An Act to amend The Hours of Work and Vacations
with Pay Act, 1944.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The Hours of Work and Vacations with Pay* 1944,
Act, 1944, is amended by adding thereto the following clauses: c. 26, s. 10.
amended.

(bb) prescribing the maximum number of hours which
may elapse between the commencement and the
termination of the daily work period or periods of
an employee;

(dd) providing for the payment to an employee who
ceases to be employed by an employer after being
employed by the employer for only a portion of a
working year of such portion of one week's pay as the
portion of the working year for which he was em-
ployed bears to the working year, in lieu of a vacation
with pay.

2. This Act may be cited as *The Hours of Work and Vaca-* Short title.
tions with Pay Amendment Act, 1946.

CHAPTER 41.

An Act to amend The Industrial Farms Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Industrial Farms Act* Rev. Stat., c. 387, s. 1, subs. 2, amended. is amended by striking out the words "in provisional judicial districts" in the first and second lines, and inserting in lieu thereof the words "anywhere in Ontario" so that the said subsection shall now read as follows:

(2) Industrial farms may be established anywhere in Anywhere. Ontario by the Lieutenant-Governor in Council.

2. *The Industrial Farms Act* is amended by adding thereto Rev. Stat., c. 387, amended. the following section:

2a.—(1) The Lieutenant-Governor in Council may order Industrial farms may become common gaols. that from a day to be named in the order an industrial farm shall be the common gaol within the meaning of *The Gaols Act* of any counties or provisional judicial districts, or of any combination of Rev. Stat., c. 388. counties and provisional judicial districts.

(2) No order shall be made until the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act* has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial or on remand in each county or district named in the order or in custody prior to the committal for trial, or pending their removal to the industrial farm, reformatory for Ontario, or penitentiary, has been provided in or near the county or district town. Condition precedent to Order in Council. Rev. Stat., c. 380.

(3) The lock-up may be the building formerly used as Lock-up. the common gaol of the county or provisional judicial district or part thereof, or some other building

approved by the officer designated in subsection 2; and shall be established, equipped and maintained without cost to the Province.

Rev. Stat.,
c. 387, s. 10,
subs. 3,
amended.

3. Subsection 3 of section 10 of *The Industrial Farms Act* is amended by striking out the words "in a provisional judicial district" in the second line so that the subsection shall now read as follows:

Cost of
maintenance.

(3) The cost of the establishment, equipment and maintenance of an industrial farm as referred to in subsection 2 of section 1 shall be borne and paid by the Province.

Short title.

4. This Act may be cited as *The Industrial Farms Amendment Act, 1946*.

CHAPTER 42.

An Act to amend The Insurance Act.

*Assented to April 5th, 1946.**Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 48 of *The Insurance Act* is amended by striking out all the words after the word "province" in the fifth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 256, s. 48,
subs. 1,
amended.

- (1) The Lieutenant-Governor in Council may, on being satisfied that any other province has enacted provisions identical with or substantially the same as sections 45 to 47, direct by Order-in-Council that those sections shall apply to that province.

Power to
apply ss. 45
to 47 to
other
provinces.

(2) Subsection 2 of the said section 48 is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 48,
subs. 2,
re-enacted.

- (2) A copy of every Order-in-Council under this section shall be sent to the Superintendent of Insurance in each province.

Orders-in-
Council to
be sent to
Superinten-
dent in each
Province.

2. Subsection 1 of section 76 of *The Insurance Act* is amended by striking out the word "and" in the fifth line and inserting in lieu thereof the word "or", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 256, s. 76,
subs. 1,
amended.

- (1) Except in the case of a fraternal society a licensed insurer may acquire and hold absolutely for its own use and benefit such real property as is necessary for the transaction of its business or *bona fide* mortgaged to it by way of security, and such real property as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same, but such insurer shall sell any such last mentioned real property within seven years after it has been so acquired.

Power of
insurers
as to hold-
ing land.

Rev. Stat.,
c. 256, s. 84,
subs. 4,
repealed.

3. Subsection 4 of section 84 of *The Insurance Act* is repealed.

Rev. Stat.,
c. 256, s. 85,
re-enacted.

4. Section 85 of *The Insurance Act* is repealed and the following substituted therefor:

Application.

85. Except where otherwise provided and where not inconsistent with other provisions of this Act, the provisions of this Part shall apply to every contract of insurance made in Ontario other than contracts of,

(a) accident and sickness insurance;

(b) life insurance; and

(c) marine insurance.

Rev. Stat.,
c. 256, s. 128,
amended.

5. Section 128 of *The Insurance Act* is amended by adding thereto the following paragraph:

"Will",
defined.

19. "Will" includes a codicil.

Rev. Stat.,
c. 256, s. 153,
subs. 2,
re-enacted.

6. Subsection 2 of section 153 of *The Insurance Act* is repealed and the following substituted therefor:

Payment of
insurance
money.

(2) Subject to subsection 1, a beneficiary or a trustee appointed pursuant to section 177 may, at the maturity of the contract, enforce for his own benefit or as such trustee the payment of insurance money appointed, appropriated or apportioned to him by the contract or a declaration and in accordance with the terms thereof, but the insurer shall be entitled to set up any defence which it could have set up against the insured or his personal representatives; and payment made to the beneficiary or trustee shall discharge the insurer.

Effect of
declaration.

(2a) A declaration, whether contained in a will or other instrument in writing, shall, subject to subsection 1, have effect from the time of its execution, but a declaration shall not affect the interest or rights of a beneficiary for value or assignee for value unless the declaration has been filed with the insurer at its head or principal office in Canada prior to the time when the beneficiary for value or assignee for value acquired such interest or rights and if not so filed the interest or rights of the beneficiary for value or assignee for value shall be as if the declaration had not been made.

- (2b) In the case of a declaration contained in a will it shall be sufficient for the purposes of subsection 2a to file a copy thereof or of the material part thereof verified by statutory declaration. Declaration in will.

7. Section 184 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 184, amended.

- (3) This Part, other than section 205, shall not apply to insurance of an automobile chiefly used or operated off highways unless insured under a form of policy approved under this Part. Application of Part VI.

8. Section 201 of *The Insurance Act* is amended by striking out the word "or" at the end of clause *b*, by inserting the words "or, unless the coverage is expressly extended under section 203" between clauses *b* and *c*, by striking out the said words where they now appear between clauses *c* and *d* and by adding at the end of clause *c* the word "or", so that the said section shall now read as follows: Rev. Stat., c. 256, s. 201, amended.

201. The insurer shall not be liable under an owner's policy or a driver's policy,— Exceptions from liability.

- (a) for any liability imposed by any workmen's compensation law upon the insured; or
- (b) for loss or damage resulting from bodily injury to or the death of the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured;

or, unless the coverage is expressly extended under section 203,

- (c) to any person, not the owner of the automobile, engaged in the business of an automobile garage, repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile; or
- (d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (e) for loss or damage to property carried in or upon the automobile or owned by, or in the care, custody or control of the insured; or
- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

Rev. Stat.,
c. 256, s. 203,
cl. a,
amended.

9. Clause *a* of section 203 of *The Insurance Act* is amended by inserting after the word "clauses" in the second line the letter "*c*", so that the first four lines and clause *a* of the said section shall now read as follows:

Extended
coverage.

203. The insurer may, by an endorsement on the policy and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in any or all of the following respects,—

(*a*) in the case of an owner's policy or a driver's policy, the matters mentioned in clauses *c*, *d*, *e* and *f* of section 201; and

.

Commence-
ment of
ss. 6, 7.

10. Sections 6 and 7 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Insurance Amendment Act, 1946*.

CHAPTER 43.

An Act to amend The Judicature Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act* is amended by striking out the word "twelve" in the third line and inserting in lieu thereof the word "fourteen", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 100, s. 5,
subs. 1,
amended.

- (1) The High Court shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and fourteen other judges.

High Court
of Justice,—
how consti-
tuted.

2. Subsection 3 of section 42 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 100, s. 42,
subs. 3,
re-enacted.

- (3) All such arrangements as may be necessary or proper for the holding of any of the courts, or the transaction of business in the High Court, or the arrangement from time to time of judges to hold such courts, or to transact such business, shall be made by the judges of that division, with power in the Chief Justice of the High Court to make such readjustment or reassignment as may be necessary from time to time.

Arrange-
ments re
holding of
courts.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

4. This Act may be cited as *The Judicature Amendment Act, 1946.*

Short title.

CHAPTER 44.

An Act to amend ¹The Labour Relations Board
Act, 1944.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS Majesty, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 2 of *The Labour Relations Board Act, 1944*, is amended by adding after the word “(Canada)” in the second line the words “or *The National Emergency Transitional Powers Act, 1945* (Canada)”, so that the said clause shall now read as follows:

- (*d*) any other regulations made under or pursuant to the
War Measures Act (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada).

(2) Subsection 2 of the said section 2 is amended by inserting after the word “(Canada)” where it occurs in the seventh and tenth lines respectively the words “or *The National Emergency Transitional Powers Act, 1945* (Canada)”, so that the said subsection shall now read as follows:

- (2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada).

2. Subsection 2 of section 4 of *The Labour Relations Board Act, 1944*, is amended by inserting after the word “(Canada)”

in the third line the words "*The National Emergency Transitional Powers Act, 1945 (Canada)*", so that the said subsection shall now read as follows:

Powers and
duties of
Board.

- (2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the *War Measures Act (Canada)*, the *National Emergency Transitional Powers Act, 1945 (Canada)* or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts.

1944,
c. 29, s. 5,
amended.

3.—(1) Section 5 of *The Labour Relations Board Act, 1944*, is amended by adding thereto the following subsection:

Alternate
chairman.

- (1a) The Lieutenant-Governor in Council may appoint an alternate chairman who shall be a member of the board and act as the chairman thereof only,—

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act.

1944,
c. 29, s. 5,
subs. 8,
amended.

(2) Subsection 8 of the said section 5 is amended by inserting after the word "chairman" in the third line of the form the words "*or alternate chairman*", so that the said subsection shall now read as follows:

Oath of
office.

- (8) Each member of the Board shall, before acting, as such, take and subscribe before the Clerk of the Executive Council and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or chairman, or alternate chairman*) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

1944,
c. 29, s. 8,
amended.

4. Section 8 of *The Labour Relations Board Act, 1944*, is amended by adding thereto the following subsection:

Amendments
to regula-
tions by
Lieutenant-
Governor in
Council.

- (2) In the event of the regulations under the *War Measures Act (Canada)* or *The National Emergency Transitional Powers Act, 1945 (Canada)*, which are applicable to employees or employers in Ontario, ceasing to be operative for the purposes of the Acts of the Parlia-

ment of Canada by reason of the revocation thereof pursuant to any such Act or of the repeal or expiration of the Act of the Parliament of Canada under which they are in force, the Lieutenant-Governor in Council may make such amendments to such regulations as may be necessary in order to extend the scope thereof to all or any employees and employers coming under the legislative jurisdiction of the Legislature of Ontario and such other amendments as he may deem necessary to the efficient operation thereof.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The Labour Relations Board Amendment Act, 1946.* Short title.

CHAPTER 45.

An Act to amend The Land Surveyors Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Land Surveyors Act* as re-enacted by section 21 of *The Statute Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 231, s. 23,
(1943,
c. 28, s. 21),
re-enacted.

23. Notwithstanding anything contained in section 21,—
Exemption
from
apprentice-
ship.

- (a) any person who is a graduate of the Royal Military College at Kingston or a graduate of the University of Toronto, McGill University at Montreal, Queen's University at Kingston, or the University of Western Ontario at London in civil or mining engineering, or of the Faculty of Arts in mathematics or in mathematics and physics, or a graduate in forestry of the University of Toronto or a graduate of such other educational institution as may be approved by the Board in a course which in the opinion of the Board is equivalent to one of the courses hereinbefore mentioned, shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 27, during twelve consecutive months of active practice; and
- (b) any person who has been on active service in the naval, military or air forces of His Majesty or any of His Majesty's allies shall only be bound to serve under such articles for such period of time as the Board may deem necessary after considering his training or experience in surveying or engineering prior to or during such service in the forces.

2. This Act may be cited as *The Land Surveyors Amendment Act, 1946*. Short title.

CHAPTER 46.

An Act to amend The Liquor Control Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Liquor Control Act* as re-enacted by subsection 1 of section 1 of *The Liquor Control Amendment Act, 1944*, and clause *i* of the said section are repealed.

Rev. Stat.,
c. 294, s. 1,
cl. a,
(1944,
c. 34, s. 1,
subs. 1)
and cl. i,
repealed.

(2) Clause *f* of the said section 1 is amended by adding at the end thereof the words "or for the sale of beer only" so that the said clause shall now read as follows:

Rev. Stat.,
c. 294, s. 1,
cl. f,
amended.

(f) "Government store" shall mean store established by the Board under this Act for the sale of liquor or for the sale of beer only.

"Govern-
ment
store."

2.—(1) Subsection 1 of section 11 of *The Liquor Control Act* is amended by striking out the words "not inconsistent with this Act" in the second and third lines, and by striking out all the words after the word "thereof" in the fifth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 294, s. 11,
subs. 1,
amended.

(1) The Board with the approval of the Lieutenant-Governor in Council may make such regulations as the Board may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Regulations.

(2) Clause *o* of subsection 2 of the said section 11 as amended by section 26 of *The Liquor Control Amendment Act, 1944*, is further amended by striking out the words "licenses and authorities" in the second line and inserting in lieu thereof the words "and licenses" so that the said clause shall now read as follows:

Rev. Stat.,
c. 294, s. 11,
subs. 2, cl. o,
amended.

(o) prescribing the fees payable in respect of permits and licenses issued under this Act, and prescribing the tax, fees and assessments payable by any brewer, distiller or producer of Ontario wine;

Fees.

Rev. Stat.,
c. 294, s. 11,
subs. 2,
amended.

(3) Subsection 2 of the said section 11 is amended by adding thereto the following clause:

Governing
sale of
liquor.

1946, c. 47.

(s) governing the sale to and purchase by holders of licenses under *The Liquor Licence Act, 1946*, of liquor for sale upon premises licensed under *The Liquor Licence Act, 1946*.

Rev. Stat.,
c. 294,
amended.

3. *The Liquor Control Act* is amended by adding thereto the following section:

Acquiring
land, etc.

13a.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board,—

(a) shall have power to acquire by purchase, lease or in any other manner or without the consent of the owner thereof to enter upon, take possession of, expropriate and use any land or property which it may deem necessary for its undertakings; and

(b) shall have and may exercise and enjoy in addition to the powers conferred by this Act, all the powers conferred upon the Minister of Public Works in relation to a public work by *The Public Works Act* and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act, they shall, where the context permits, mean the Board.

Rev. Stat.,
c. 54.

Mode of
perfecting
title.

(2) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Board, signed by the chairman of the Board and by an Ontario land surveyor, the land so described shall thereupon become and be vested in the Board.

Procedure.

(3) Except as otherwise provided in this Act the Board shall, in the exercise of its compulsory powers authorized by this section, proceed in the manner provided by *The Public Works Act* where the Minister of Public Works takes land or property for the use of Ontario, and all the provisions of that Act with respect to the fixing, payment and application of compensation shall *mutatis mutandis* apply.

Exercise of
powers not
to be en-
joined.

(4) No action or proceeding of the Board taken pursuant to this section shall be restrained by injunction or process or proceeding in any court.

4. Section 31 of *The Liquor Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 294, s. 31, re-enacted.

31.—(1) Stores to be known as Government stores may be established by the Board in accordance with the provisions of this Act and *The Liquor Licence Act, 1946*, and the regulations hereunder and thereunder. Government stores.

(2) The Board may fix the prices at which the various classes, varieties and brands of liquor shall be sold and except in the case of beer such prices shall be the same at all Government stores. Prices set.

5. Section 69, as amended by section 1 of *The Liquor Control Amendment Act, 1942*, and section 13 of *The Liquor Control Amendment Act, 1944*, sections 86, 139, and 160, and section 163, as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, of *The Liquor Control Act* are repealed. Rev. Stat., c. 294, ss. 69, 86, 139, 160, 163 (1944, c. 34, s. 25), repealed.

6. Subsection 1 of section 106 of *The Liquor Control Act* is amended by inserting after the word "Act" in the first line the words "*or The Liquor Licence Act, 1946*", so that the said subsection shall now read as follows: Rev. Stat., c. 294, s. 106, subs. 1, amended.

(1) Except as authorized by this Act, or *The Liquor Licence Act, 1946*, no person, not holding a permit under this Act entitling him so to do, shall have any liquor in his possession within the Province. Having liquor without permit.

7. Section 162 of *The Liquor Control Act* as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, is amended by inserting after the word "serving" in the fourth line the words "*or has served*", so that the said section shall now read as follows: Rev. Stat., c. 294, s. 162, (1944, c. 34, s. 25), amended.

162. For the purposes of this Act a member of the naval, military or air forces of Canada who having been placed on active service or called out for training, service or duty, is serving or has served in any of such forces, shall be deemed to be twenty-one years of age or over. Member of forces.

8. Section 164 of *The Liquor Control Act* as enacted by section 25 of *The Liquor Control Amendment Act, 1944*, is amended by striking out the words "beer and wine" in the third line and inserting in lieu thereof the word "liquor", so that the said section shall now read as follows: Rev. Stat., c. 294, s. 164, (1944, c. 34, s. 25), amended.

64. The provisions of this Act relating to the sale, purchase, having, supplying, serving and consuming of Effect of 1944, c. 33.

liquor shall be read and construed subject to the provisions of *The Liquor Authority Control Act, 1944*.

Rev. Stat.,
c. 294,
amended.

9. *The Liquor Control Act* is amended by striking out the terms in the first column of the following schedule wherever they appear and substituting therefor the respective terms appearing in the second column of the schedule:

SCHEDULE

<i>First Column</i>	<i>Second Column</i>
authority	licence under <i>The Liquor Licence Act, 1946</i> .
authorities	licences under <i>The Liquor Licence Act, 1946</i> .
authorized premises	premises licensed under <i>The Liquor Licence Act, 1946</i> .
<i>The Liquor Authority Control Act, 1944</i> .	<i>The Liquor Licence Act, 1946</i> .

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Liquor Control Amendment Act, 1946*.

CHAPTER 47.

The Liquor Licence Act, 1946.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "beer" shall mean beer as defined by *The Liquor "beer":*
Control Act;
- (b) "Board" shall mean The Liquor Licence Board of "Board":
Ontario;
- (c) "club" shall mean a club, "club":
 - (i) organized in the manner prescribed by the regulations,
 - (ii) having special accommodation, facilities and equipment as prescribed by the regulations,
 - (iii) having for its objects definite purposes of a social, recreational or patriotic nature,
 - (iv) having not less than fifty members,
 - (v) all the members of which, whose names and addresses shall be entered in a list of members, may, upon payment of dues in the manner prescribed by the rules or by-laws of the club, vote for all purposes of the club, and
 - (vi) which is not operated for pecuniary gain;
- (d) "dining lounge" shall mean part of an establishment "dining lounge" ✓
provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment therefor food and such special services as may be prescribed by the regulations, are regularly furnished to the public and liquor is served with meals;

"dining
room";

(e) "dining room" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations and which is used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;

"establish-
ment";

(f) "establishment" shall mean club, hotel, inn, public house, tavern, military mess, restaurant, railway car or steamship having premises which comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued;

"hotel"
or "inn";

(g) "hotel" or "inn" shall mean an establishment in regular operation provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment, food and lodging are regularly furnished to the public and having,

(i) in urban municipalities with a population of over 100,000, not less than fifty bedrooms,

(ii) in cities with a population of less than 100,000 and in towns, not less than twenty bedrooms, and

(iii) in any other part of Ontario, not less than ten bedrooms,

and in every case having a sufficient number of bedrooms to serve the needs of the community where the hotel or inn is located;

"justice";

(h) "justice" shall mean magistrate and where no magistrate is available, shall mean two or more justices of the peace;

"last revised
list of the
municipal-
ity";

(i) "last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly;

"licence";

(j) "licence" shall mean a licence provided for and issued under this Act;

"licensing
district";

(k) "licensing district" shall mean a licensing district constituted under this Act;

"licensed
premises";

(l) "licensed premises" shall mean premises for which a licence is issued under this Act;

"liquor";
Rev Stat,
c. 294.

(m) "liquor" shall mean liquor as defined by *The Liquor Control Act*;

- (n) "lounge" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment therefor liquor is served;
- (o) "military mess" shall include a canteen and an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada;
- (p) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (q) "Ontario wine" shall mean Ontario wine as defined by *The Liquor Control Act*;
- (r) "public house" shall mean an establishment or part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment beer is served;
- (s) "railway car" shall mean railway dining car, railway buffet car, railway club car and a drawing-room, bedroom or compartment in a railway sleeping car;
- (t) "regulations" shall mean regulations made under this Act;
- (u) "restaurant" shall mean an establishment which is exclusively engaged in the serving of regular meals to the public in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;
- (v) "steamship" shall mean any vessel propelled through water by any power other than muscular power which carries passengers and plies regularly between any port of Ontario and any port within or outside of Ontario;
- (w) "tavern" shall mean an establishment having separate parts thereof which are provided with the special accommodation, facilities and equipment required by the regulations for at least two of the following classes of licences,

(i) dining lounge licence,

(ii) dining room licence,

(iii)

(iii) lounge licence,

(iv) public house licence;

"wine".

(x) "wine" shall mean wine as defined by *The Liquor Control Act*. 1944, c. 33, s. 1, *amended*.

THE BOARD.

The Liquor
Licence
Board of
Ontario.

2. There shall be a Board known as "The Liquor Licence Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council. 1944, c. 33, s. 2, *amended*.

Chairman
and vice-
chairman.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman. 1944, c. 33, s. 3.

Quorum.

4. Two members of the Board shall constitute a quorum. 1944, c. 33, s. 4.

Disqualifi-
cation.—
members
and staff.

5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor;

(b) any licensed premises; or

(c) any contract of any nature in respect of any licensed premises, or any premises upon which liquor is manufactured, produced, sold or kept for sale. 1944, c. 33, s. 5, *amended*.

Salaries of
Board.

6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council. 1944, c. 33, s. 6.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint. 1944, c. 33, s. 7.

Salaries of
staff.

8. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 8.

9. Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 9. ^{Special services.}

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by The Liquor Control Board of Ontario. 1944, c. 33, s. 10; 1945, c. 11, s. 1. ^{Payment of salaries.}

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board. 1944, c. 33, s. 11. ^{Officials not compelled to testify.}

12. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf. 1944, c. 33, s. 61. ^{Audit of books.}

LICENSING DISTRICTS.

13. The Lieutenant-Governor in Council may designate any area in Ontario as a licensing district. 1944, c. 33, s. 12, *amended*. ^{Licensing districts.}

PROCEEDINGS BEFORE AND INVESTIGATIONS BY THE BOARD.

14. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers. 1944, c. 33, s. 13. ^{Form of proceedings.}

15. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application. 1944, c. 33, s. 14. ^{Review of order.}

16. For the purpose of any hearing or investigation, the Board shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and

things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;
- (b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and
- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section. 1944, c. 33, s. 15, amended.

Rev. Stat.,
c. 119.

Investi-
gations by
Board.

17.—(1) The Board may make such investigation as it deems expedient for the due administration of this Act, into or respecting,—

- (a) any person or the affairs or conduct of any person;
- (b) any authority at any time issued or held under *The Liquor Control Act* or *The Liquor Authority Control Act*, 1944, or any licence at any time issued or held under this Act, or any premises in respect of which any such authority or licence was at any time issued or held; or
- (c) any matter pertaining to the sale or handling of or transactions in liquor.

Idem.

(2) Where an investigation is or is about to be undertaken under this section the Board may by order,—

Seizure of
documents,
etc.

- (a) authorize any person to seize and take possession of any documents, records or other property belonging to, in the possession or under the control of any person which the Board deems may be relevant to the investigation; and

Examination
of docu-
ments, etc.

- (b) appoint an accountant or other expert to examine documents, records, property or other matters which

the Board deems may be relevant to the investigation. *New.*

18.—(1) In addition to any audit provided for by the regulations the Board may at any time authorize and direct any person to enter upon the premises where the books, accounts or records of or pertaining to any establishment, distillery, brewery or winery are kept or may be, and to inspect, study, audit, take extracts from or seize such books, accounts or other records. ^{Special audit.}

(2) Every person having any book, account or record in his possession or under his control who refuses or fails to produce it or to comply with a request made pursuant to an authorization or direction of the Board given under subsection 1, shall be guilty of an offence and liable to a penalty of not exceeding \$1,000. ^{Penalty.} *New.*

19. No order, direction, certificate or subpoena or other document of the Board shall be valid or binding unless it is issued in the name of the Board and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar. 1944, c. 33, s. 16. ^{Validity of orders.}

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada). 1944, c. 33, s. 17. ^{Finality of orders.} ^{R.S.C., c. 36.}

LICENCES AND PERMITS.

21.—(1) Licences may be issued under this Act for establishments as provided in section 23 and shall be of the following classes and for the purposes indicated,— ^{Licences.}

- (a) "dining lounge licence" for the sale and consumption of liquor with meals;
- (b) "dining room licence" for the sale and consumption of beer and wine with meals;
- (c) "lounge licence" for the sale and consumption of liquor;
- (d) "public house licence" for the sale and consumption of beer in premises to which men only are admitted;

- (e) "public house licence" for the sale and consumption of beer in premises to which women only or men and women are admitted. *New.*

Expiration
of licences.

(2) Subject to the provisions of this Act relating to the renewal, suspension and cancellation of licences, every licence shall expire at midnight on the 31st day of March next following the issue thereof. 1944, c. 33, s. 19.

Number of
licences to
be issued in
municipal-
ity.

(3) The Board may restrict the number of licences or of any class of licences which it shall issue in any municipality. 1944, c. 33, s. 20, *amended.*

Banquet or
entertain-
ment
permits.

22.—(1) The Board may issue banquet or entertainment permits for the serving of liquor on designated premises for special occasions as provided by the regulations and may issue any such permit upon such terms and subject to such conditions as it may prescribe.

Application.

(2) Application for a banquet or entertainment permit may be made to the registrar or to the deputy registrar for the licensing district in which the banquet or entertainment is to be held. *New.*

Licences,—
issue of.

23.—(1) The Board may, subject to this Act and the regulations and to the local option provisions of any Act of the Parliament of Canada or of this Legislature, issue to the owner of an establishment of any of the following classes, a licence or licences of one or more of the classes indicated:

- (a) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, set out in subsection 1 of section 69;

- (b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, of subsection 1 of section 69;

- (c) clubs, military messes, railway cars and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence;

- (d) restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a dining room licence;

- (e) public houses, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a public house licence,

provided that the Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of an establishment in respect of which an authority under *The Liquor Authority Control* 1944, c. 33. *Act*, 1944, including therein a privilege corresponding to the

licence to be issued under this Act, was held at the date of the coming into force of this Act or any establishment classified as an hotel, until an affirmative vote has been taken on question *d*, *e* or *f*, as the case may be, set out in subsection 1 of section 69.

Scope of
licence
may be
restricted.

(2) The Board may restrict the scope or effect of any licence or may issue a licence upon such terms and subject to such further conditions as it may prescribe. *New.*

Classifi-
cation of
establish-
ments.

24. The Board shall classify all establishments in respect of which a licence is applied for or issued. *New.*

Classifi-
cation of
establish-
ments
authorized
under 1944,
c. 33.

25.—(1) The Board may, for the purposes of this Act, classify any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act.

Issue of
licence.

(2) Notwithstanding any of the provisions of this Act, the Board may, either before or upon the coming into force of this Act, issue for any establishment for which an authority is held under *The Liquor Authority Control Act, 1944*, a licence or licences corresponding to the privileges included in such authority, but every licence so issued shall be reviewed as soon as may be.

Classifi-
cation as
hotel.

(3) Where in the opinion of the Board any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act, is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with the requirements of subclauses i, ii or iii of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board may deem advisable. *New.*

Bedroom
accommoda-
tion.

26. Bedroom accommodation which is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods. *New.*

Where issue
of licence
prohibited.

27.—(1) No licence may be issued or renewed under this Act to any person who,—

(a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the licence is sought;

(b)

- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations; or
- (g) if a club, does not comply with the requirements of this Act and the regulations.

(2) Any person applying for the issue or renewal of a licence who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 28 shall be guilty of an offence. 1944, c. 33, s. 21, *amended*. Failure to disclose.

28.—(1) No licence may be issued or renewed under this Act,— Where issue of licence prohibited.

- (a) to any person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) to any manufacturer of liquor, or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest

is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the licence or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest. 1944, c. 33, s. 22, *amended*.

Information not to be conferred on corporations.

29. The directors of an incorporated company which applies for the issue, renewal or transfer to it of a licence, shall at the time of making such application or at any other time during the term of the licence, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required. 1944, c. 33, s. 23, *amended*.

RIGHTS IN LICENCE.

Licence not to confer any vested right.

30. No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such licence shall not be capitalized but shall become the property of the Crown in right of Ontario. 1944, c. 33, s. 25, *amended*.

ANNUAL MEETING.

Annual meeting.

31. The Board shall hold an annual meeting at a convenient place determined by the Board in each licensing district between the 1st day of October and the last day of January in the year next following. 1944, c. 33, s. 26, *amended*.

Notice of annual meeting.

32. Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the licensing district at least ten days before such meeting. 1944, c. 33, s. 27, *amended*.

Business of Board.

33. The Board shall at the annual meeting hear and determine applications for the renewal of licences. 1944, c. 33, s. 28, *amended*.

SPECIAL MEETINGS.

Special meetings.

34. The Board may hold such special meetings as it deems necessary for the hearing and determination of,—

- (a) applications for new licences;
- (b) deferred applications for renewals of licences;
- (c) proceedings involving the cancellation or suspension of a licence;
- (d) applications for transfers of licences;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of a licence;
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board. 1944, c. 33, s. 29, *amended*.

PROCEEDINGS ON APPLICATIONS.

35. Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 30, *amended*.

36. Notice of the application for a licence in the form prescribed by the regulations shall be published twice,—

- (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
- (b) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least one week apart and the second of such publications shall be not less than two weeks before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 31, *amended*.

37. A licence shall not be issued by the Board unless the applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board. 1944, c. 33, s. 32, *amended*.

Renewals.

38. Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of a licence to publish notice of his application or to appear in person before the Board. 1944, c. 33, s. 33, *amended*.

Objections.

39.—(1) Any person resident in a licensing district where the premises concerning which the application is made are situated, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least ten days before the meeting at which the application is to be heard. 1944, c. 33, s. 34 (1), *amended*.

Applicant
to be
notified.

(2) Upon receipt of any objection to an application, the deputy registrar shall notify the applicant thereof. 1944, c. 33, s. 34 (2).

CANCELLATION AND SUSPENSION OF LICENCES.

Application
for cancella-
tion.

40.—(1) Upon an application being made to the Board for the cancellation or suspension of a licence, the Board may in its discretion by notice in writing require the holder of the licence to show cause to the Board why the licence should not be cancelled or suspended, and in the event of the failure of the holder of the licence to show cause the Board shall take such action as the circumstances may require.

Notice to
licence
holder.

(2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the licence holder at his last known address at least seven days before the date of the meeting. 1944, c. 33, s. 35, *amended*.

Powers of
Board at
hearing.

41. Upon the hearing of an application for suspension or cancellation of a licence the Board may dismiss the application or make such order as it deems proper and in any such order may,—

- (a) suspend the licence for an indefinite period;
- (b) cancel the licence;
- (c) disqualify any person from holding a licence;
- (d) disqualify any premises from being eligible as licensed premises; and
- (e) impose such conditions upon the holder of the licence as the circumstances may require. 1944, c. 33, s. 36, *amended*.

When licence
to be can-
celled.

42. The Board shall cancel a licence for the following causes,—

- (a) persistent non-compliance of the licence holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder; Rev. Stat.
c. 294
- (b) persistent failure by the licence holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the licensed premises in a clean and sanitary condition;
- (d) persistent non-compliance by the licence holder with any municipal by-law affecting the licensed premises; or
- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 27 or subsection 1 of section 28 prevent the issue of a licence. 1944, c. 33, s. 37, *amended*.

TRANSFER OF LICENCES.

43.—(1) No licence may be sold, leased, assigned, charged, transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent. Transfer of licences.

(2) Upon any transfer of a licence the vendor shall pay to the Treasurer of Ontario the monopoly value of the licence at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the licence. Monopoly value to be paid to Treasurer of Ontario.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of a licence to present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply. 1944, c. 33, s. 38, *amended*. Transfer of shares in incorporated company.

44.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any licensed premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 43 and Power of Board to purchase premises.

the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board may
sell
licensed
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any licensed premises or any shareholding interest acquired under this section. 1944, c. 33, s. 39, *amended*.

COMPENSATION FOR DISQUALIFICATION.

Compensi-
tion may
be awarded.

45.—(1) Where the Board disqualifies any premises from holding a licence for a cause which is not the fault of or is beyond the control of the licence holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the licence as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule or other method of valuation prescribed by the regulations. 1944, c. 33, s. 40 (1), *amended*.

Payment.

(2) The Liquor Control Board of Ontario shall pay the compensation mentioned in subsection 1 upon the requisition of the Board. 1944, c. 33, s. 40 (2); 1945, c. 11, s. 2.

REVENUE.

Payment of
revenue.

46. All moneys received by the Board from licence fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario. 1944, c. 33, s. 41, *amended*.

SALE OF LIQUOR IN LICENSED PREMISES.

What
liquor
may be
sold.

47. No liquor may be kept for sale, sold or served in any licensed premises except such liquor as may be,—

(a) prescribed in the licence; and

(b) purchased by the holder of the licence in accordance with the provisions of *The Liquor Control Act* and the regulations thereunder. 1944, c. 33, s. 42, *amended*.

48. The Board shall in every licence issued specify the part of the establishment to which the sale, serving and consumption of liquor shall be restricted and confined. 1944, c. 33, s. 43, *amended*. Sale of liquor in specified places only.

49. Where two types of public house licences are issued for any establishment,— Public house licences, where two issued for establishment.

- (a) there shall be no internal means of communication between the premises operated under each of such licences;
- (b) each of such premises shall have separate entrances for the public;
- (c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and
- (d) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises. *New.*

50.—(1) No liquor shall knowingly be sold or served in or at any licensed premises to any person who is under the age of twenty-one years. Minors.

(2) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years. Idem.

(3) No liquor shall be sold on or at any licensed premises to or for any person who is apparently in an intoxicated condition. Intoxicated persons.

(4) No person holding a licence under this Act shall permit or suffer in the premises for which the licence is issued,— Conduct of premises.

- (a) any constable or police officer while on duty to consume any liquor;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain;
or

(d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding a licence under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the licenced premises where liquor is sold or kept for sale, except in a dining room or dining lounge.

Objectionable persons.

(6) Any person holding a licence under this Act, who has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such licence is issued, that such person, although not of notoriously bad character, is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such licensed premises immediately, and unless the request is forthwith complied with such person may be forcibly removed. 1944, c. 33, s. 45, *amended*.

Minors.

51.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor on any licensed premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of a licensed premises where liquor is sold or kept for sale, except a dining room or dining lounge, shall be guilty of an offence against this Act. 1944, c. 33, s. 46, *amended*.

Sale and consumption.

52. No liquor may be sold or served to any person or consumed by him in any licensed premises, except in accordance with the regulations. 1944, c. 33, s. 47 (1), *amended*.

Neglecting children.

53. No person who is a parent, guardian or head of a family having the care, custody and control of a child under the age of eight years shall enter or remain upon any premises where liquor is sold or kept for sale while such child is unattended by a competent person. *New*.

Inducements to licensees.

54. No distillery, brewery or winery, or other person shall, either directly or indirectly, offer or give any financial or material inducement to any licensee or his agent or employee for the purpose of increasing the sale or distribution of any brand of liquor, whether such inducement be by way of discount, rebate, sale under the established price for products of the same or a similar quantity, or by the installation of equipment or other form of payment or benefit. *New*.

Sales to interdicted persons prohibited.

55. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no inter-

dicted person shall enter on or be permitted or suffered to remain in that part of any licensed premises where liquor is sold except in a dining room or dining lounge. 1944, c. 33, s. 49, *amended*.

56. For the purposes of this Act, a member of the naval, ^{Member of} military or air forces of Canada, who having been placed on ^{forces.} active service or called out for training, service or duty, is serving or has served in any of such forces shall be deemed to be twenty-one years of age or over. 1944, c. 33, s. 50, *amended*.

57. Any police officer or constable may arrest without ^{Arrest} warrant any person whom he finds committing an offence ^{without} against this Act. 1944, c. 33, s. 51.

PENALTIES AND PROCEDURE.

58. Every person who violates any of the provisions of ^{Offences.} this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not. 1944, c. 33, s. 52.

59.—(1) Every person who violates the provisions of sub- ^{Penalties.} section 1 of section 50 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months. 1944, c. 33, s. 54 (1).

(2) Every person who violates the provisions of section 54 ^{Idem.} shall be guilty of an offence and liable to a penalty not exceeding \$10,000. *New*.

(3) Every person who violates any of the provisions of this ^{Idem} Act or the regulations other than subsection 1 of section 50 or section 54, shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

(4) Where an offender convicted of an offence referred to ^{Corpora-} in this section, other than a violation of section 54, is a corpora- ^{tions.} tion it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000. 1944, c. 33, s. 54 (2, 3).

60. In the prosecution of any offence under this Act in ^{Onus.} which possession of liquor is an element of the offence, upon

prima facie proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof. 1944, c. 33, s. 53.

Removal of
liquor
packages.

61. Proof of the removal of any liquor from any licensed premises in any packages shall be *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*. 1944, c. 33, s. 48, *amended*.

Analysis by
Dominion or
provincial
analysts.

62. In any prosecution under this Act or the regulations, upon production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature. 1944, c. 33, s. 55.

Inference
as to intoxi-
cating
liquor.

63. The justice trying a case shall, in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor. 1944, c. 33, s. 56.

Recovery
of penalties.

64.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act. 1944, c. 33, s. 57 (1).

Rev. Stat.,
c. 136.

Fines to be
paid to
Liquor
Control
Board.

(2) Subject to section 83, all money penalties imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario. 1944, c. 33, s. 57 (2), *amended*.

CIVIL LIABILITY.

Civil
liability.

65. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,—

- (a) commits suicide or meets death by accident an action under *The Fatal Accidents Act* will lie against the person who or whose servant or agent sold the liquor; or Rev. Stat., c. 210.
- (b) causes injury or damage to the person or property of another person, such other person shall be entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor. *New.*

EMPLOYEES OF LICENCE HOLDERS.

66.—(1) The Board may require every person who, being an employee of a person who operates licensed premises, is in any way engaged in selling or serving liquor, to obtain an employee's licence from the Board in accordance with the regulations. Employees of licence holders.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's licence, no person who is not so licensed may be employed in the sale or serving of liquor in any licensed premises. 1944, c. 33, s. 58, *amended.* Sale by licensed employee

LOCAL OPTION.

67. Nothing contained in this Act shall be construed as interfering with the operation of the *Canada Temperance Act* applicable to any part of Ontario, and no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in an area in which the *Canada Temperance Act* has been brought into force and is still in force. Stores not to be established where C.T.A. in force.

68. Except as provided by this Act and the regulations no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69. Government stores and wine stores not to be established in certain districts. 1916, c. 50; Rev. Stat., 1914, c. 215.

69.—(1) The council of any municipality in which a by-law mentioned in section 68 is in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

- (a) Are you in favour of the establishment of government stores for the sale of liquor?
- (b) Are you in favour of the establishment of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the sale of liquor under a lounge licence for consumption on licensed premises?

Petition
requesting
submission
of questions.

(2) Where a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit one or more of the questions set out in subsection 1 is filed with the clerk of the municipality and with the Board, the council shall submit such question or questions to a vote of the electors.

Where
affirmative
vote
polled.

(3) Where three-fifths of the electors voting on the question vote in the affirmative, it shall be lawful to establish government stores, authorize Ontario wine stores or issue licences within the municipality accordingly.

Submission
of questions
as to con-
tinuance of
stores.

70.—(1) Where a government store is established, an Ontario wine store authorized, or premises licensed in any municipality the council may, and on petition as provided in section 69, which section shall apply *mutatis mutandis*, shall submit to the electors whichever of the following questions may be applicable:

- (a) Are you in favour of the continuance of government stores for the sale of liquor?
- (b) Are you in favour of the continuance of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the continuance of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the continuance of the sale of liquor under a lounge licence for consumption on licensed premises?

(2) Where three-fifths of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, the authority of any Ontario wine store authorized in the municipality shall be terminated or licences of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon.

71. Where petitions are presented praying for the submission of a definite question or set of questions, the question or questions to be submitted shall be that or those asked for in the first petition filed, unless the Board otherwise directs.

72.—(1) Where a question is submitted in a municipality under section 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question *d* set out in section 70, within two years of the coming into force of this

Act, shall not prevent the submission of any other question during the period of three years from the date of such submission.

Time for submission of questions *e* to *h* of section 70.

(2) Questions *e*, *f*, *g*, and *h* set out in subsection 1 of section 70 shall not be submitted in any municipality until after the expiration of two years from the coming into force of this Act.

Appointment of managers for vote.

73.—(1) At least five weeks before the taking of a vote upon any question under section 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1937, c. 294, s. 69 (4), *amended*.

Notice of filing of petition.

(2) When any petition has been filed with the clerk of the municipality pursuant to the provisions of section 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition. R.S.O. 1937, c. 294, s. 69 (5).

Date of polling.

Rev. Stat., c. 266.

74. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality unless the Board fixes some other day and notifies the clerk of the municipality to that effect; but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. R.S.O. 1937, c. 294, s. 69 (6), *amended*.

Who may vote.

75. The persons qualified to vote upon a question or questions shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions; provided that in the event of the taking of a vote under section 70, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any

1916, c. 50,
Rev. Stat.
1914, c. 215.

other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question or questions until a vote has been taken in such portion of the municipality on one or more of the questions set out in subsection 1 of section 69, and three-fifths of the electors voting on such question or questions have voted in the affirmative. R.S.O. 1937, c. 294, s. 69 (7), *amended*.

76.—(1) Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* respecting,—

Application
of general
law.

Rev. Stat.,
cc. 8, 7.

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote submitted under this Act. R.S.O. 1937, c. 294, s. 69 (8), *amended*.

(2) Subject to the approval of the Lieutenant-Governor in Council the Chief Election Officer shall give such directions and make such regulations and prepare such forms as may appear to him to be necessary in carrying out the provisions of sections 68 to 80 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* and *The Voters' Lists Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by sections 68 to 80.

Directions
as to taking
vote.

Rev. Stat.,
cc. 8, 7.

(3) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as may be necessary. R.S.O. 1937, c. 294, s. 69 (11, 12), *amended*.

Forms.

Clerk of
revision.

(4) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*. R.S.O. 1937, c. 294, s. 69 (16).

Revision
of lists.

77.—(1) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in the case of an election to the Assembly.

Rev. Stat.,
cc. 7, 8.

Chairman's
fees.

(2) The chairman shall be entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses. R.S.O. 1937, c. 294, s. 69 (14, 15).

Polling
lists.

(3) It shall not be necessary for the polling lists for use at the taking of a vote to be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. R.S.O. 1937, c. 294, s. 69 (17), *amended*.

Fees and
expenses.

78. The fees and expenses to be allowed to returning officers and other officers and servants for services performed under sections 68 to 80, and the expenses incurred in carrying out the provisions of sections 68 to 80 shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1937, c. 294, s. 69 (13), *amended*.

Returning
officer.

79.—(1) The returning officer upon the taking of a vote shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to
Clerk of
Crown in
Chancery.

(2) The returning officer shall make his return to the Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question or questions submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the *Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions. R.S.O. 1937, c. 294, s. 69 (9, 10), *amended*.

Where
validity of
vote
questioned.

80. Notwithstanding anything contained in this or any other Act where the validity of a vote on any question or

questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct. R.S.O. 1937, c. 294, s. 69 (21), *amended*. Rev. Stat.,
c. 266.

REGULATIONS.

81. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary, and without limiting the generality of the foregoing, such powers shall extend to and include the following:

- (a) prescribing the special accommodation, facilities and equipment which shall be required in or in respect of the various classes of premises for which the various classes of licences may be issued including the prescribing of different standards of accommodation, facilities and equipment in different classes of establishments;
- (b) providing for different classes of clubs and prescribing the manner in which clubs of the different classes shall be organized and the special accommodation, facilities and equipment which shall be required and in the case of any class of clubs, prescribing who shall be deemed to be members thereof for the purposes of this Act;
- (c) prescribing the special services which shall be furnished in a dining lounge;
- (d) restricting the classes of licences which may be issued to any class of establishments;
- (e) restricting the scope and effect of licences of the various classes and prescribing terms and conditions governing the sale of liquor and other relevant matters relating to the operation of premises for which licences of the various classes are issued;
- (f) prescribing the fees payable in respect of the issue and transfer of licences including the prescribing of fees in varying amounts for licences issued in respect of various classes of establishments;

- (g) prescribing the fees, schedules or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 43 and 45;
- (h) governing and regulating premises in respect of which licences may be issued;
- (i) governing the issue, renewal, transfer, refusal, suspension and cancellation of licences;
- (j) governing the location, construction, maintenance, management and operation of licensed premises;
- (k) governing the issue and cancellation of banquet or entertainment permits;
- (l) governing the purchase, delivery, keeping for sale, sale, serving and consuming of liquor;
- (m) prescribing the persons to whom the sale of liquor is to be restricted or prohibited;
- (n) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed;
- (o) providing for the licensing of employees of persons operating licensed premises and prescribing requirements applicable to such employees;
- (p) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to licensed premises and the examination and audit which shall be made of such books and records;
- (q) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board and the books of account and other records to be kept by the Board;
- (r) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (s) prescribing the signs which may be erected on or in licensed premises;
- (t) prescribing the hours and days upon which and the manner, methods and means by which liquor shall be delivered to licensed premises;

- (u) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding a licence;
- (v) governing the manner of incorporation of corporations which may hold licences;
- (w) prescribing the procedure to be followed upon applications to the Board;
- (x) prescribing the form of ballots to be used for voting upon a question submitted in a municipality; and
- (y) generally for the better carrying out of the provisions of this Act. 1944, c. 33, s. 59, *amended*.

REPORTS.

82.—(1) The Board shall from time to time make reports Reports. to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

- (a) a statement of the operations of the Board;
- (b) a statement of the number of licences in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of licences which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

(2) Every annual report shall be laid before the Legislature as soon as may be. 1944, c. 33, s. 60, *amended*.

Report to be presented to Legislature.

AGREEMENT WITH MUNICIPALITY.

Agreement
with muni-
cipality.

Rev. Stat.,
c. 294.

83. Subject to the approval of the Lieutenant-Governor in Council the Board may enter into an agreement with the council of any municipality for the enforcement within the municipality by the council of the provisions of this Act, *The Liquor Control Act* and the regulations hereunder and thereunder, and may in such agreement provide for the payment to the council of,—

- (a) a portion of the fees for licences issued in respect of establishments in the municipality; and
 - (b) the fines or any portion of the fines imposed in any prosecutions instituted by officers designated by the council pursuant to the agreement, for a violation of this Act, *The Liquor Control Act* or the regulations hereunder or thereunder within the municipality.
- New.*

COMMENCEMENT OF ACT.

Commence-
ment of
Act.

84. This Act, except any portion thereof as may be specifically excepted, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation.

REPEAL.

1944, c. 33;
1945, c. 11,
repealed.

85. *The Liquor Authority Control Act, 1944*, and *The Liquor Authority Control Amendment Act, 1945*, are repealed.

SHORT TITLE

Short title

86. This Act may be cited as *The Liquor Licence Act, 1946*.

CHAPTER 48.

An Act to amend The Loan and Trust Corporations Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 1, cl. *a*, re-enacted.

(a) "Accountant" shall mean a member of the Institute of Chartered Accountants of Ontario or of the Certified Public Accountants Association of Ontario or such other person as may be approved by the Registrar as being a qualified accountant for the purpose of auditing the books and accounts of corporations under this Act. "Accountant", defined.

2. Section 7 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 7, re-enacted.

7. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 nor more than \$100. Par value of share.

3.—(1) Clauses *b* and *c* of subsection 1 of section 29 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: Rev. Stat., c. 257, s. 29, subs. 1, cl. *b*, re-enacted; cl. *c*, repealed.

(b) any of the securities mentioned in clauses *b* to *f* of subsection 1 of section 30.

(2) Subsections 2 and 4 of the said section 29 are repealed. Rev. Stat., c. 257, s. 29, subs. 2, 4, repealed.

4. Clause *c* of subsection 1 of section 31 of *The Loan and Trust Corporations Act* is repealed. Rev. Stat., c. 257, s. 31, subs. 1, cl. *c*, repealed.

5. Subsection 4 of section 48 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof the words "provided that subject to the limitation set out in Rev. Stat., c. 257, s. 48, subs. 4, amended.

subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid", so that the said subsection shall now read as follows:

Limit of
deposits.

- (4) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid.

Proviso.

Rev. Stat.,
c. 257, s. 43,
amended.

6. Section 49 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

Reserves
required on
deposits.

- (2) Every loan company shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in subsection 1, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company.

Rev. Stat.,
c. 257, s. 61,
re-enacted;
s. 62,
repealed.

7. Sections 61 and 62 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Proceedings
to ratify
agreement.

61. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each such meeting the agreement or offer is ratified or accepted by resolution passed by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the corporate seal.

Rev. Stat.,
c. 257,
ss. 77, 78,
79, re-
enacted.

8. Sections 77, 78 and 79 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

77.—(1) A person who,—

Direction
as to dis-
position of
deposits or
debentures
on death.

- (a) has on deposit with a corporation, whether for guaranteed investment or otherwise, a sum not exceeding \$600;
- (b) is the holder of debentures issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

- (2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person.

Rights of
corporation.
1939 (2nd
Sess.), c. 1.

- 78. Subject to the provisions of *The Succession Duty Act, 1939*, where a depositor or debenture holder as described in clauses *a, b* and *c* of section 77 dies without making a nomination in accordance with that section, the amount due may, without letters probate or letters of administration being taken out, be paid to the person who appears to the corporation to be entitled, under the will of such depositor or debenture holder or under *The Devolution of Estates Act*, in the case of an intestacy, to receive the amount, upon receiving an affidavit of the death and that the person claiming is so entitled.

Where no
direction.

- 79. Where the corporation, after the death of a depositor or debenture holder, has paid such sum to the person who at the time appeared to be entitled thereto the payment shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of such payment from the person who received it.

Payments
by mistake.

9. Subsection 5 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 257, s. 114,
which is re-
enacted.

Delivery of
statement.

- (5) A copy of such statement shall be mailed or delivered without charge to any debenture holder or depositor of the corporation upon request.

Short title.

10. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1946.*

CHAPTER 49.

An Act to amend The Local Improvement Act.

Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Local Improvement Act* is amended by adding thereto the following subsection: ,

Rev. Stat.,
c. 269, s. 28,
amended.

- (2a) Subject to section 29, where a lot, other than a corner lot, has two limits that abut on works and the size or nature of the lot is such that any or all of the works are not required, a reduction in respect of the works that are not required, so long as they are not required, shall also be made in the special assessment that would otherwise be chargeable thereon, sufficient to adjust its assessment on a fair and equitable basis.

Of lots
with two
limits
abutting
on works

2.—(1) Subsection 9 of section 49 of *The Local Improvement Act*, as enacted by section 2 of *The Local Improvement Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 269, s. 49,
subs. 9
(1941,
c. 27, s. 2)
re-enacted.

- (9) When the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* in reduction of the rates or any of them to be levied under the by-law providing for the issue of the debentures and where all the rates have been levied under such by-law, the excess sum shall be paid *pro tanto* to the owners at the time such payment is made of the land on which the rates were levied.

Disposal of
excess sums.

(2) Subsection 9 of the said section 49, as re-enacted by subsection 1 of this section, shall not apply to a by-law passed prior to the 1st day of January, 1941.

Application.

3. Subsection 1 of section 56 of *The Local Improvement Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 269, s. 56,
subs. 1,
re-enacted.

Repair,
maintenance
and replace-
ment of
works.

- (1) When a work has been completed, it shall be kept in repair and maintained and may be renewed or replaced at the expense of the corporation and the corporation may by by-law provide for the issue of debentures for such renewal or replacement.

Rev. Stat.,
c. 269,
ss. 63, 64,
re-enacted.

4. Sections 63 and 64 of *The Local Improvement Act*, as amended by section 19 of *The Statute Law Amendment Act, 1942*, are repealed and the following substituted therefor:

Additional
works in
townships
and villages.

63. In addition to the works authorized to be undertaken in section 2, the council of a township or village may undertake as a local improvement the construction, renewal or replacement of water works, the laying of mains and other appliances to connect with any existing system of water works whether owned by the corporation or any other person, the construction of sewage treatment works, or the construction of such works, plant, appliances and equipment as may be necessary for street lighting.

Assessment
of cost of
works in
areas.

- 64.—(1) The council of a township or village may, in the by-law for undertaking any work as a local improvement, define an area in the township or village and provide that the cost of the work including debenture charges and the cost of maintenance and management of the work including the cost of the utility supplied shall be assessed and levied on the rateable property in the area.

Assessment
of cost of
certain
works.

- (2) Where the work is the construction of a water main, sewer, sidewalk, curb, pavement or street lighting, the by-law may provide that the whole or a part of the cost of the work shall be assessed upon the lots fronting or abutting on the work and in such case the balance of the cost including debenture charges, if any, and the cost of maintenance and management including the cost of the utility supplied shall be assessed and levied on the rateable property in the area.

Debentures.

- (3) The corporation may by by-law provide for the issue of debentures for any work undertaken under this section.

Notice of
intention
unnecessary.

- (4) Where a local improvement area is defined under this section and the by-law provides that the cost of the work shall be assessed and levied on the rateable property in the area, it shall not be necessary to serve notice of intention to construct the work upon the owners of lots in the area.

64a. Where a local improvement area is defined under this section, such area may by by-law, subject to the approval of the Ontario Municipal Board, be enlarged, reduced, altered, dissolved or amalgamated with any other such area and in such case the Board shall make any necessary adjustments of the assets and liabilities of the areas affected.

5. This Act may be cited as *The Local Improvement Amendment Act, 1946*. Short title.

CHAPTER 50.

An Act to amend The Long Point Park Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Long Point Park Act* is amended by striking out the words "any direction" in the first line and inserting in lieu thereof the words "the approval", so that the first two lines of the said section shall now read as follows:

5. Subject to the approval of the Lieutenant-Governor in Council, the Commission shall have power,—

Powers of
Commission.

.

2. Section 27 of *The Long Point Park Act* is repealed.

Rev. Stat.,
c. 96, s. 27,
repealed.

3. This Act may be cited as *The Long Point Park Amendment Act, 1946.*

Short title.

CHAPTER 51.

An Act respecting Marine Insurance.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act, unless the context otherwise requires,—

*Expressions
interpreted.*

- (a) "action" includes counterclaim and set-off;
- (b) "freight" includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage-money;
- (c) "movables" means any movable tangible property, other than the ship, and includes money, valuable securities, and other documents;
- (d) "policy" means a marine policy.

2. A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure.

*Marine
insurance
defined.*

3.—(1) A contract of marine insurance may, by its express terms or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

*Mixed sea
and land
risks.*

(2) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract

of insurance other than a contract of marine insurance as by this Act defined.

Marine
adventure
and mari-
time perils
defined

4.—(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2) In particular there is a marine adventure where,—

- (a) any ship, goods, or other movables are exposed to maritime perils. Such property is in this Act referred to as “insurable property”;
- (b) the earning or acquisition of any freight, passage-money, commission, profit, or other pecuniary benefit, or the security for any advances, loan, or disbursements, is endangered by the exposure of insurable property to maritime perils;
- (c) any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property by reason of maritime perils.

(3) “Maritime perils” means the perils consequent on or incidental to the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints, and detentions of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

Insurable Interest.

Avoidance of
wagering or
gaming
contracts.

5.—(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract,—

- (a) where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) where the policy is made “interest or no interest,” or “without further proof of interest than the policy itself,” or “without benefit of salvage to the insurer,” or subject to any other like term;

Provided that where there is no possibility of salvage a policy may be effected without benefit of salvage to the insurer.

6.—(1) Subject to the provisions of this Act, every person ^{Insurable interest defined.} has an insurable interest who is interested in a marine adventure.

(2) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure or to any insurable property at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property, or may be prejudiced by its loss or by damage thereto or by the detention thereof, or may incur liability in respect thereof.

7.—(1) The assured must be interested in the subject-matter insured at the time of the loss though he need not be ^{When interest must attach.} interested when the insurance is effected;

Provided that where the subject-matter is insured "lost or not lost," the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss and the insurer was not.

(2) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

8.—(1) A defeasible interest is insurable, as also is a contingent interest. ^{Defeasible or contingent interest.}

(2) In particular, where the buyer of goods has insured them, he has an insurable interest, notwithstanding that he might, at his election, have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

9. A partial interest of any nature is insurable. ^{Partial interest.}

10.—(1) The insurer under a contract of marine insurance has an insurable interest in his risk and may re-insure in respect of it. ^{Re-insurance.}

(2) Unless the policy otherwise provides, the original assured has no right or interest in respect of such re-insurance.

11. The lender of money on bottomry or respondentia has an insurable interest in respect of the loan. ^{Bottomry.}

12. The master or any member of the crew of a ship has an insurable interest in respect of his wages. ^{Master's and seamen's wages.}

13. In the case of advance freight, the person advancing ^{Advance freight.}

the freight has an insurable interest, in so far as such freight is not repayable in case of loss.

Charges of insurance.

14. The assured has an insurable interest in the charges of any insurance which he may effect.

Quantum of interest.

15.—(1) Where the subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

(2) A mortgagee, consignee, or other person having an interest in the subject-matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3) The owner of insurable property has an insurable interest in respect of the full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

Assignment of interest.

16. Where the assured assigns or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there be an express or implied agreement with the assignee to that effect; but the provisions of this section do not affect a transmission of interest by operation of law.

Insurable Value.

Measure of insurable value.

17. Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows:

- (a) In insurance on ship, the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements, if any, incurred to make the ship fit for the voyage or adventure contemplated by the policy, plus the charges of insurance upon the whole.

The insurable value, in the case of a steamship, includes also the machinery, boilers, and coals, oils, and engine stores if owned by the assured, and, in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade;

- (b) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of

the freight at the risk of the assured, plus the charges of insurance;

- (c) In insurance on goods or merchandise, the insurable value is the prime cost of the property insured, plus the expenses of and incidental to shipping and the charges of insurance upon the whole;
- (d) In insurance on any other subject-matter, the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

Disclosure and Representations.

18. A contract of marine insurance is a contract based upon the utmost good faith, and if the utmost good faith be not observed by either party the contract may be avoided by the other party.

Insurance is
uberrimæ
fidei.

19.—(1) Subject to the provisions of this section, the assured must disclose to the insurer before the contract is concluded every material circumstance which is known to the assured, and the assured is deemed to know every circumstance which in the ordinary course of business ought to be known by him. If the assured fails to make such disclosure the insurer may avoid the contract.

Disclosure
by assured.

(2) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) In the absence of inquiry the following circumstances need not be disclosed, namely,—

- (a) any circumstance which diminishes the risk;
- (b) any circumstance which is known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge and matters which an insurer in the ordinary course of his business, as such, ought to know;
- (c) any circumstance as to which information is waived by the insurer;
- (d) any circumstance which it is superfluous to disclose by reason of any express or implied warranty.

(4) Whether any particular circumstance which is not disclosed be material or not is in each case a question of fact.

(5) The term "circumstance" includes any communication made to or information received by the assured.

Disclosure
by agent
effecting
insurance

20. Subject to the provisions of the preceding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer,—

- (a) every material circumstance which is known to himself, and an agent to insure is deemed to know every circumstance which in the ordinary course of business ought to be known by or to have been communicated to him; and
- (b) every material circumstance which the assured is bound to disclose, unless it come to his knowledge too late to communicate it to the agent.

Representa-
tions
pending
negotiation
of contract.

21.—(1) Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it be untrue the insurer may avoid the contract.

(2) A representation is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) A representation may be either a representation as to a matter of fact or as to a matter of expectation or belief.

(4) A representation as to a matter of fact is true if it be substantially correct, that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5) A representation as to a matter of expectation or belief is true if it be made in good faith.

(6) A representation may be withdrawn or corrected before the contract is concluded.

(7) Whether a particular representation be material or not is in each case a question of fact.

When con-
tract is
deemed to
be con-
cluded.

22. A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy be then issued or not; and for the purpose of showing when the proposal was accepted, reference may be made to the slip or covering note or other customary memorandum of the contract.

The Policy.

23. A contract of marine insurance is inadmissible in evidence unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded or afterwards.

Contract must be embodied in policy.

24. A marine policy must specify,—

What policy must specify.

- (a) the name of the assured or of some person who effects the insurance on his behalf;
- (b) the subject-matter insured and the risk insured against;
- (c) the voyage or period of time, or both, as the case may be, covered by the insurance;
- (d) the sum or sums insured;
- (e) the name or names of the insurers.

25.—(1) A marine policy must be signed by or on behalf of the insurer, provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

Signature of insurer.

(2) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary be expressed, constitutes a distinct contract with the assured.

26. Where the contract is to insure the subject-matter at and from, or from one place to another or others, the policy is called a “voyage policy,” and where the contract is to insure the subject-matter for a definite period of time the policy is called a “time policy.” A contract for both voyage and time may be included in the same policy.

Voyage and time policies.

27.—(1) The subject-matter insured must be designated in a marine policy with reasonable certainty.

Designation of subject-matter.

(2) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

Valued
policy.

28.—(1) A policy may be either valued or unvalued.

(2) A valued policy is a policy which specifies the agreed value of the subject-matter insured.

(3) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured, whether the loss be total or partial.

(4) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

Unvalued
policy.

29. An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained in the manner hereinbefore specified.

Floating
policy by
ship or
ships.

30.—(1) A floating policy is a policy which describes the insurance in general terms and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration.

(2) The subsequent declaration or declarations may be made by endorsement on the policy or in other customary manner.

(3) Unless the policy otherwise provides, the declarations must be made in the order of dispatch or shipment. They must, in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

Construc-
tion of terms
in policy.

31.—(1) A policy may be in the form in the Schedule.

(2) Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the Schedule shall be construed as having the scope and meaning in the Schedule assigned to them.

Premium to
be arranged.

32.—(1) Where an insurance is effected at a premium to

be arranged, and no arrangement is made, a reasonable premium is payable.

(2) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

Double Insurance.

33.—(1) Where two or more policies are effected by or on behalf of the assured on the same adventure and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be over-insured by double insurance. ^{Double insurance.}

(2) Where the assured is over-insured by double insurance,—

- (a) the assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he may think fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act;
- (b) where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy without regard to the actual value of the subject-matter insured;
- (c) where the policy under which the assured claims is an unvalued policy, he must give credit, as against the full insurable value, for any sum received by him under any other policy;
- (d) where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

Warranties, etc.

34.—(1) A warranty, in the following sections relating to warranties, means a promissory warranty, that is to say, a warranty by which the assured undertakes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts. ^{Nature of warranty.}

(2) A warranty may be express or implied.

(3) A warranty, as above defined, is a condition which must be exactly complied with, whether it be material to the risk or not. If it be not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

When breach
of warranty
excused.

35.—(1) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law.

(2) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied and the warranty complied with before loss.

(3) A breach of warranty may be waived by the insurer.

Express
warranties.

36.—(1) An express warranty may be in any form of words from which the intention to warrant is to be inferred.

(2) An express warranty must be included in or written upon the policy, or must be contained in some document incorporated by reference into the policy.

(3) An express warranty does not exclude an implied warranty, unless it be inconsistent therewith.

Warranty of
neutrality.

37.—(1) Where insurable property, whether ship or goods, is expressly warranted "neutral," there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2) Where a ship is expressly warranted "neutral," there is also an implied condition that, so far as the assured can control the matter, she shall be properly documented, that is to say, that she shall carry the necessary papers to establish her neutrality, and that she shall not falsify or suppress her papers or use simulated papers. If any loss occurs through breach of this condition, the insurer may avoid the contract.

No implied
warranty of
nationality.

38. There is no implied warranty as to the nationality of a ship, or that her nationality shall not be changed during the risk.

Warranty of
good safety.

39. Where the subject-matter insured is warranted "well" or "in good safety" on a particular day, it is sufficient if it be safe at any time during that day.

40. (1) In the voyage policy there is an implied warranty that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured. Warranty of seaworthiness of ship.

(2) Where the policy attaches while the ship is in port, there is also an implied warranty that she shall at the commencement of the risk be reasonably fit to encounter the ordinary perils of the port.

(3) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure, but where, with the privity of the assured, the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

41.—(1) In a policy on goods or other movables there is no implied warranty that the goods or movables are seaworthy. No implied warranty that goods are seaworthy.

(2) In a voyage policy on goods or other movables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other movables to the destination contemplated by the policy.

42. There is an implied warranty that the adventure insured is a lawful one, and that, so far as the assured can control the matter, the adventure shall be carried out in a lawful manner. Warranty of legality.

The Voyage.

43.—(1) Where the subject-matter is insured by a voyage policy "at and from" or "from" a particular place, it is not necessary that the ship should be at that place when the contract is concluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure be not so commenced the insurer may avoid the contract. Implied condition as to commencement of risk.

(2) The implied condition may be negated by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or by showing that he waived the condition.

Alteration of
port of
departure.

44. Where the place of departure is specified by the policy, and the ship, instead of sailing from that place, sails from any other place, the risk does not attach.

Sailing for
different
destination.

45. Where the destination is specified in the policy, and the ship, instead of sailing for that destination, sails for any other destination, the risk does not attach.

Change of
voyage.

46.—(1) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

(2) Unless the policy otherwise provides, where there is a change of voyage, the insurer is discharged from liability as from the time of change, that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

Deviation.

47.—(1) Where a ship, without lawful excuse, deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2) There is a deviation from the voyage contemplated by the policy,—

(a) where the course of the voyage is specially designated by the policy and that course is departed from; or

(b) where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3) The intention to deviate is immaterial; there must be a deviation in fact to discharge the insurer from his liability under the contract.

Several ports
of discharge.

48.—(1) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but, in the absence of any usage or sufficient cause to the contrary, she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not there is a deviation.

(2) Where the policy is to "ports of discharge," within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not there is a deviation.

49. In the case of a voyage policy, the adventure insured must be prosecuted throughout its course with reasonable dispatch, and, if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable. Delay in voyage.

50.—(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused,— Excuses for deviation or delay.

- (a) where authorized by any special term in the policy; or
- (b) where caused by circumstances beyond the control of the master and his employer; or
- (c) where reasonably necessary in order to comply with an express or implied warranty; or
- (d) where reasonably necessary for the safety of the ship or subject-matter insured; or
- (e) for the purpose of saving human life, or aiding a ship in distress where human life may be in danger; or
- (f) where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or
- (g) where caused by the barratrous conduct of the master or crew, if barratry be one of the perils insured against.

(2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course and prosecute her voyage with reasonable dispatch.

Assignment of Policy

51.—(1) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss. When and how policy is assignable.

(2) Where a marine policy has been assigned so as to pass the beneficial interest in such policy, the assignee of the policy is entitled to sue thereon in his own name; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3) A marine policy may be assigned by endorsement thereon or in other customary manner.

Assured who has no interest can not assign.

52. Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative;

Provided that nothing in this section affects the assignment of a policy after loss.

The Premium.

When premium payable.

53. Unless otherwise agreed, the duty of the assured or his agent to pay the premium, and the duty of the insurer to issue the policy to the assured or his agent, are concurrent conditions, and the insurer is not bound to issue the policy until payment or tender of the premium.

Policy effected through broker.

54.—(1) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible to the insurer for the premium, and the insurer is directly responsible to the assured for the amount which may be payable in respect of losses or in respect of returnable premium.

(2) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he has also a lien on the policy in respect of any balance on any insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

Effect of receipt on policy

55. Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgment is, in the absence of fraud, conclusive as between the insurer and the assured, but not as between the insurer and broker.

Loss and Abandonment.

Included and excluded losses.

56.—(1) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

(2) In particular,—

(a) The insurer is not liable for any loss attributable to the wilful misconduct of the assured, but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even

though the loss would not have happened but for the misconduct or negligence of the master or crew;

- (b) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay be caused by a peril insured against;
- (c) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

57.—(1) A loss may be either total or partial. Any loss Partial and total loss. other than a total loss, as hereinafter defined, is a partial loss.

(2) A total loss may be either an actual total loss or a constructive total loss.

(3) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive as well as an actual total loss.

(4) Where the assured brings an action for a total loss and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5) Where goods reach their destination in specie, but by reason of obliteration of marks, or otherwise, they are incapable of identification, the loss, if any, is partial and not total.

58.—(1) Where the subject-matter insured is destroyed, Actual total loss. or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof, there is an actual total loss.

(2) In the case of an actual total loss no notice of abandonment need be given.

59. Where the ship concerned in the adventure is missing, Missing ship. and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed.

60. Where, by a peril insured against, the voyage is interrupted at an intermediate port or place under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing and reshipping the goods or other movables, or in transshipping them, and sending them on to their destination, the liability of the Effect of transshipment, etc.

insurer continues, notwithstanding the landing or transshipment.

Constructive
total loss
defined.

61.—(1) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.

(2) In particular, there is a constructive total loss,—

(a) where the assured is deprived of the possession of his ship or goods by a peril insured against, and

(i) it is unlikely that he can recover the ship or goods, as the case may be, or

(ii) the cost of recovering the ship or goods, as the case may be, would exceed their value when recovered; or

(b) in the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired.

In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired; or

(c) in the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.

Effect of
constructive
total loss.

62. Where there is a constructive total loss, the assured may either treat the loss as a partial loss or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

Notice of
abandon-
ment.

63.—(1) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer, he must give notice of abandonment. If he fails to do so the loss can only be treated as a partial loss.

(2) Notice of abandonment may be given in writing or by word of mouth, partly in writing and partly by word of

mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3) Notice of abandonment must be given with reasonable diligence after the receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4) Where notice of abandonment is properly given, the rights of the assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6) Where notice of abandonment is accepted the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8) Notice of abandonment may be waived by the insurer.

(9) Where an insurer has re-insured his risk, no notice of abandonment need be given by him.

64. (1) Where there is a valid abandonment, the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured and all proprietary rights incidental thereto. Effect of abandonment.

(2) Upon the abandonment of a ship, the insurer thereof is entitled to any freight in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and, where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

Partial Losses (including Salvage and General Average and Particular Charges).

65. (1) A particular average loss is a partial loss of the subject-matter insured, caused by a peril insured against, and which is not a general average loss. Particular average loss.

(2) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

Salvage
charges.

66.—(1) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils.

(2) “Salvage charges” means the charges recoverable under maritime law by a salvor independently of contract. They do not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

General
average loss.

67.—(1) A general average loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice.

(2) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonably made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime law, to a rateable contribution from the other parties interested, and such contribution is called a general average contribution.

(4) Subject to any express provision in the policy, where the assured has incurred a general average expenditure, he may recover from the insurer in respect of the proportion of the loss which falls upon him; and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5) Subject to any express provision in the policy, where the assured has paid, or is liable to pay, a general average contribution in respect of the subject insured, he may recover therefor from the insurer.

(6) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding, or in connection with the avoidance of, a peril insured against.

(7) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

Measure of Indemnity.

68.—(1) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity. Extent of liability of insurer for loss.

(2) Where there is a loss recoverable under the policy, the insurer, or each insurer if there be more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

69. Subject to the provisions of this Act and to any express provision in the policy, where there is a total loss of the subject-matter insured,— Total loss.

- (a) if the policy be a valued policy, the measure of indemnity is the sum fixed by the policy;
- (b) if the policy be an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

70. Where a ship is damaged, but is not totally lost, the measure of indemnity, subject to any express provision in the policy, is as follows: Partial loss of ship.

- (1) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty;
- (2) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation, if any, arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above;
- (3) Where the ship has not been repaired and has not been sold in her damaged state during the risk, the

assured is entitled to be indemnified for the reasonable depreciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

Partial loss
of freight.

71. Subject to any express provision in the policy, where there is a partial loss of freight, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy.

Partial loss
of goods,
merchandise,
etc.

72. Where there is a partial loss of goods, merchandise, or other movables, the measure of indemnity, subject to any express provision in the policy, is as follows:

- (1) Where part of the goods, merchandise, or other movables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy;
- (2) Where part of the goods, merchandise, or other movables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss;
- (3) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross sound and damaged values at the place of arrival bears to the gross sound value;
- (4) "Gross value" means the wholesale price or, if there be no such price, the estimated value, with, in either case, freight, landing charges, and duty paid beforehand; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value. "Gross proceeds" means the actual price obtained at a sale where all charges on sale are paid by the sellers.

Apportion-
ment of
valuation.

73. --(1) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy. The

insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the part bears to the insurable value of the whole, ascertained in both cases as provided by this Act.

(2) Where a valuation has to be apportioned and particulars of the prime cost of each separate species, quality, or description of goods cannot be ascertained, the division of the valuation may be made over the net arrived sound values of the different species, qualities, or descriptions of goods.

74.—(1) Subject to any express provision in the policy, where the assured has paid, or is liable for, any general average contribution, the measure of indemnity is the full amount of such contribution, if the subject-matter liable to contribution is insured for its full contributory value; but, if such subject-matter be not insured for its full contributory value, or if only part of it be insured, the indemnity payable by the insurer must be reduced in proportion to the under-insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute.

General average contributions and salvage charges.

(2) Where the insurer is liable for salvage charges the extent of his liability must be determined on the like principle.

75. Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability.

Liabilities to third parties.

76.—(1) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case.

General provisions as to measure of indemnity.

(2) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

77. (1) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy may be

Particular average warranties.

apportionable; but, if the contract be apportionable, the assured may recover for a total loss of any apportionable part.

(2) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable for salvage charges, and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded.

Successive
losses.

78.—(1) Unless the policy otherwise provides and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

(2) Where, under the same policy, a partial loss which has not been repaired or otherwise made good is followed by a total loss, the assured can only recover in respect of the total loss;

Provided that nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

Suing and
labouring
clause.

79.—(1) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under a certain percentage.

(2) General average losses and contributions and salvage charges as defined by this Act are not recoverable under the suing and labouring clause.

(3) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

(4) It is the duty of the assured and his agents in all cases to take such measures as may be reasonable for the purpose of averting or minimizing a loss.

Rights of Insurer on Payment.

80.—(1) Where the insurer pays for a total loss, either of the whole or, in the case of goods, of any apportionable part of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is thereby subrogated to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss. Right of subrogation.

(2) Subject to the foregoing provisions, where the insurer pays for a partial loss, he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified, according to this Act, by such payment for the loss.

81.—(1) Where the assured is over-insured by double insurance, each insurer is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract. Right of contribution.

(2) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

82. Where the assured is insured for an amount less than the insurable value or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance. Effect of under-insurance.

Return of Premium.

83. Where the premium, or a proportionate part thereof, is by this Act declared to be returnable,— Enforcement of return.

- (a) if already paid, it may be recovered by the assured from the insurer; and
- (b) if unpaid, it may be retained by the assured or his agent.

Return by
agreement.

84. Where the policy contains a stipulation for the return of the premium, or a proportionate part thereof, on the happening of a certain event, and that event happens, the premium, or, as the case may be, the proportionate part thereof, is thereupon returnable to the assured.

Return for
failure of
considera-
tion.

85.—(1) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured.

(2) Where the consideration for the payment of the premium is apportionable and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is, under the like conditions, thereupon returnable to the assured.

(3) In particular,—

- (a) where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured; but if the risk is not apportionable, and has once attached, the premium is not returnable;
- (b) where the subject-matter insured, or part thereof, has never been imperilled, the premium, or, as the case may be, a proportionate part thereof, is returnable;

Provided that where the subject-matter has been insured "lost or not lost" and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless at such time the insurer knew of the safe arrival;

- (c) where the assured has no insurable interest throughout the currency of the risk, the premium is returnable, provided that this rule does not apply to a policy effected by way of gaming or wagering;
- (d) where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable;
- (e) where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable;
- (f) subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable;

Provided that, if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy, and when the double insurance is effected knowingly by the assured no premium is returnable.

Mutual Insurance

86. (1) Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance. Modification of Act in case of mutual insurance.

(2) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association or by the rules and regulations of the association.

(4) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

Supplemental

87. Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of a loss. Ratification by assured.

88.—(1) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negatived or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract. Implied obligations varied by agreement or usage.

(2) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

89. Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact. Reasonable time, etc., a question of fact.

90. The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance. Rules of common law saved.

91. This Act may be cited as *The Marine Insurance Act*, 1946. Short title.

SCHEDULE.

(Section 31.)

FORM OF POLICY

Be it known that _____ as well in _____ own name as for and in the name and names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in all doth make assurance and cause _____ and them, and every of them, to be insured lost or not lost, at and from _____. Upon any kind of goods and merchandises, and also upon the body, tackle, apparel, ordnance, munition, artillery, boat, and other furniture, of and in the good ship or vessel called the _____ whereof is master under God, for this present voyage, _____ or whosoever else shall go for master in the said ship, or by whatsoever other name or names the said ship, or the master thereof, is or shall be named or called; beginning the adventure upon the said goods and merchandises from the loading thereof aboard the said ship, _____ upon the said ship, etc., _____ and so shall continue and endure, during her abode there, upon the said ship, etc. And further, until the said ship, with all her ordnance, tackle, apparel, etc., and goods and merchandises whatsoever shall be arrived at _____ upon the said ship, etc., until she hath moored at anchor twenty-four hours in good safety; and upon the goods and merchandises, until the same be there discharged and safely landed. And it shall be lawful for the said ship, etc., in this voyage, to proceed and sail to and touch and stay at any ports or places whatsoever _____ without prejudice to this insurance. The said ship, etc., goods and merchandises, etc., for so much as concerns the assured by agreement between the assured and assurers in this policy, are and shall be valued at _____.

Touching the adventures and perils which we, the assurers, are contented to bear and do take upon us in this voyage: they are of the seas, men-of-war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and countermart, surprisals, takings at sea, arrests, restraints, and detainerments of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said goods and merchandises, and ship, etc., or any part thereof. And in case of any loss or misfortune it shall be lawful to the assured, their factors, servants, and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods and merchandises, and ship, etc., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. And it is especially declared and agreed that no acts of the insurer or insured in recovering, saving, or preserving the property insured shall be considered as a waiver, or acceptance of abandonment. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we, the assurers, are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured, at and after the rate of _____.

In witness whereof we, the assurers, have subscribed our names and sums assured in _____.

(Sue and labour clause.)

(Waiver clause.)

(Memorandum.)

N.B.—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded; sugar, tobacco, hemp, flax, hides and skins are warranted free from average, under five pounds per centum; and all other goods, also the ship and freight, are warranted

free from average, under three pounds per centum, unless general, or the ship be stranded.

Rules for Construction of Policy.

The following are the rules referred to by this Act for the construction of a policy in the above or other like form, where the context does not otherwise require:

1. Where the subject-matter is insured "lost or not lost" and the ^{Lost or} loss has occurred before the contract is concluded, the risk attaches, unless ^{not lost.} at such time the assured was aware of the loss, and the insurer was not.
2. Where the subject-matter is insured "from" a particular place, the ^{From.} risk does not attach until the ship starts on the voyage insured.
3. (a) Where a ship is insured "at and from" a particular place, and ^{At and from.} she is at that place in good safety when the contract is concluded, the risk attaches immediately.
- (b) If she be not at that place when the contract is concluded, the ^(Ship.) risk attaches as soon as she arrives there in good safety, and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.
- (c) Where chartered freight is insured "at and from" a particular ^(Freight.) place, and the ship is at that place in good safety when the contract is concluded, the risk attaches immediately. If she be not there when the contract is concluded, the risk attaches as soon as she arrives there in good safety.
- (d) Where freight, other than chartered freight, is payable without special conditions and is insured "at and from" a particular place, the risk attaches pro rata as the goods or merchandise are shipped; provided that if there be cargo in readiness which belongs to the ship-owner, or which some other person has contracted with him to ship, the risk attaches as soon as the ship is ready to receive such cargo.
4. Where goods or other movables are insured "from the loading ^{From the} thereof," the risk does not attach until such goods or movables are actually ^{loading} on board, and the insurer is not liable for them while in transit from the ^{thereof.} shore to the ship.
5. Where the risk on goods or other movables continues until they are ^{Safely} "safely landed," they must be landed in the customary manner and within ^{landed.} a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases.
6. In the absence of any further licence or usage, the liberty to touch ^{Touch and} and stay "at any port or place whatsoever" does not authorize the ship ^{stay.} to depart from the course of her voyage from the port of departure to the port of destination.
7. The term "perils of the seas" refers only to fortuitous accidents ^{Perils of} or casualties of the seas. It does not include the ordinary action of the ^{the seas.} winds and waves.
8. The term "pirates" includes passengers who mutiny and rioters who ^{Pirates.} attack the ship from the shore.
9. The term "thieves" does not cover clandestine theft or a theft ^{Thieves.} committed by any one of the ship's company, whether crew or passengers.
10. The term "arrests, etc., of kings, princes, and people" refers to ^{Restraint of} political or executive acts, and does not include a loss caused by riot or ^{princes.} by ordinary judicial process.
11. The term "barratry" includes every wrongful act wilfully com- ^{Barratry.} mitted by the master or crew to the prejudice of the owner, or, as the case may be, the charterer.

All other
perils.

12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.

Average
unless
general.

13. The term "average unless general" means a partial loss of the subject-matter insured other than a general average loss, and does not include "particular charges."

Stranded.

14. Where the ship has stranded, the insurer is liable for the excepted losses, although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board.

Ship.

15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers, and coals, oils, and engine stores, if owned by the assured.

Freight.

16. The term "freight" includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage-money.

Goods.

17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.

In The absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.

CHAPTER 52.

An Act to amend The Medical Act.

*Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Medical Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 225, s. 4,
subs. 1,
re-enacted.

(1) The members of the Council other than the Minister of Health for Ontario shall be elected or appointed, as the case may be, for a period of four years or until their successors are elected or appointed.

Term of
office.

(1a) In the event that any member dies, resigns or becomes incapable of acting by reason of mental or physical illness, his seat shall *ipso facto* become vacant.

Vacancies.

(1b) A declaration of the existence of a vacancy for the reasons mentioned in subsection 1a of this section or subsection 4 of section 3, entered upon the minutes of the Council shall be conclusive evidence thereof.

Declaration
of vacancy
to be
entered upon
minutes.

(1c) In the event of a vacancy, the registrar shall forthwith notify the body in respect of which the vacancy has occurred and such body shall have the power to nominate another duly qualified person to fill the vacancy, or if the vacancy occurs in respect of any member elected from a territorial division, the registrar shall forthwith cause a new election to be held in such territorial division and the election shall be conducted in accordance with the by-laws and regulations of the Council.

Notice as
to vacancy.

(1d) During any vacancy it shall be lawful for the Council to exercise all its powers under this Act.

Powers of
Council
during
vacancy.

(2) Subsection 2 of the said section 4 is amended by striking out the words "the death or resignation" in the first line and inserting in lieu thereof the words "a vacancy in respect", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 4,
subs. 2,
amended.

Vacancies
in respect
of homœo-
pathic
members of
Council.

- (2) In the event of a vacancy in respect of any member of the Council representing the practitioners of the homœopathic system of medicine, the remaining practitioners of the homœopathic system in Ontario may fill such vacancy by selecting from amongst the duly registered practitioners resident in Ontario and actually engaged in the practice of homœopathy, a person to fill the vacancy.

Rev. Stat.,
c. 225, s. 9,
subs. 3,
amended.

2. Subsection 3 of section 9 of *The Medical Act* is amended by striking out the word "seven" in the second line and inserting in lieu thereof the word "eight", so that the said subsection shall now read as follows:

Majority.

- (3) All questions shall be decided by the majority of the members present, and eight members shall form a quorum of the Council.

Rev. Stat.,
c. 225, s. 11,
amended.

3. Section 11 of *The Medical Act* is amended by inserting after the word "registrar-treasurer" in the third line the words "assistant registrar", so that the said section shall now read as follows:

Appoint-
ment of
officers.

11. The Council shall annually elect a president and vice-president from among its members and shall also appoint a registrar-treasurer, assistant registrar and such other officers as may from time to time be necessary for giving effect to this Act, who shall hold office during the pleasure of the Council, and the Council may fix the salaries or fees to be paid to such officers, and to the board of examiners herein-after mentioned.

Rev. Stat.,
c. 225, s. 14,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 14 of *The Medical Act* is amended by striking out the words "appoint examiners for the admission of all students to the matriculation or preliminary examination, and may make by-laws and regulations for determining the admission and enrolment of students" in the second, third, fourth and fifth lines and inserting in lieu thereof the words "make regulations respecting educational qualifications for all candidates applying for student registration", so that the said subsection shall now read as follows:

Regulations
respecting
educational
qualifica-
tions.

- (1) The Council shall have power and authority to make regulations respecting educational qualifications for all candidates applying for student registration but any change in the curriculum of studies fixed by the Council shall not come into effect until one year after such change is made.

(2) Subsection 2 of the said section 14 is amended by striking out the words "pass the matriculation examination referred to in subsection 1 as the preliminary examination for all students in medicine" in the third, fourth and fifth lines and inserting in lieu thereof the words "possess the educational qualification fixed pursuant to subsection 1", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 14,
subss. 2,
amended.

- (2) Until a homœopathic medical college for teaching purposes is established in Ontario, candidates wishing to be registered as homœopathists shall possess the educational qualification fixed pursuant to subsection 1, and shall present evidence of having spent the full period of study required by the curriculum of the Council in a duly approved homœopathic medical college under the supervision of a duly registered homœopathic practitioner.

Homœo-
pathists.

5. Section 15 of *The Medical Act* is amended by striking out the words "matriculation and other" in the second line, so that the said section shall now read as follows:

Rev. Stat.,
c. 225, s. 15,
amended.

15. The Council may make by-laws as to the terms upon which it will receive the certificates of colleges and other institutions not in Ontario.

Council may
recognize
certificates
of foreign
institutions.

6. Section 16 of *The Medical Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 225, s. 16,
re-enacted.

16. Graduates in science and graduates in arts including a science, of any university in His Majesty's Dominions shall be deemed to possess the educational qualifications fixed pursuant to subsection 1 of section 14.

Graduates
of Univer-
sities in
His
Majesty's
Dominions.

7. Section 20 of *The Medical Act* is amended by striking out the word "Empire" in the fourth line and inserting in lieu thereof the words "Commonwealth of Nations or any colony or dependency thereof", so that the said section shall now read as follows:

Rev. Stat.,
c. 225, s. 20,
amended.

20. The Council may admit to registration medical practitioners duly registered in The Medical Register of the United Kingdom, or in any register of persons entitled to practise in any part of the British Commonwealth of Nations or any colony or dependency thereof, upon such terms and conditions as the Council may from time to time deem expedient, having regard not only to the qualification of applicants for registration, but also to such rules, regulations and conditions as may be from time to time

Admitting
medical
practitioners
registered in
British
Common-
wealth of
Nations, or
colony or
dependency
thereof.

in force regarding the reciprocal admission to The Medical Register of the United Kingdom or other register as aforesaid of medical practitioners registered according to the provisions of this Act.

Rev. Stat.,
c. 225, s. 29,
subs. 1,
amended.

8. Subsection 1 of section 29 of *The Medical Act* is amended by striking out the word "may" in the seventh line and inserting in lieu thereof the word "shall", and by striking out the words "an order in writing of the Council" in the eighth line and inserting in lieu thereof the words "resolution passed by Council", so that the said subsection shall now read as follows:

Registrar to
be satisfied
as to quali-
fications.

- (1) No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the registrar is satisfied by proper evidence that the person claiming is entitled to it, and any appeal from the decision of the registrar may be decided by the Council, and any entry proved to the satisfaction of the Council to have been incorrectly made shall be erased from the register by resolution passed by Council.

Appeal to
Council.

Rev. Stat.,
c. 225, s. 34,
amended.

9. Section 34 of *The Medical Act* is amended by striking out the words "or the committee" in the first and second lines and inserting in lieu thereof the words "committee, registrar-treasurer or assistant registrar", so that the said section shall now read as follows:

Appeal from
decision of
Council.

34. No action shall be brought against the Council, committee, registrar-treasurer or assistant registrar for anything done *bona fide* under this Act, notwithstanding any want of form in the proceedings, but any person whose name has been ordered to be erased from the register may appeal from the decision of the Council to the Court of Appeal, at any time within six months from the date of the order for such erasure, and the Court may, upon the hearing of the appeal, make such order as to the restoration of the name so erased or confirming such erasure, or for further inquiry by the committee or Council into the facts of the case, and as to costs as the Court shall deem just.

Rev. Stat.,
c. 225, s. 40,
subs. 1,
amended.

10. Subsection 1 of section 40 of *The Medical Act* is amended by inserting before the word "Ontario" in the ninth line the word "Published", so that the said subsection shall now read as follows:

Register to
be printed
and
published.

- (1) The registrar shall from time to time under the direction of the Council cause to be printed and published a correct register of the names in alphabetical order

according to the surnames, with the respective residences in the form set forth in Schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character and the dates thereof, of all persons appearing on the register as existing on the day of publication and such register shall be called "The Published Ontario Medical Register".

11. Subsection 1 of section 41 of *The Medical Act* is amended by striking out the symbol and figure "\$2" in the third line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 41,
subs. 1,
amended.

- (1) Every member of the College shall pay to the registrar or to any person deputed by the registrar to receive it, such annual fee, not being less than \$1 nor more than \$5 as may from time to time be determined by by-laws of the Council passed as in this section is provided, to be applied towards the general expenses of the College, which fee shall be due on and from the 1st day of January in the year in which the same is imposed, and such fee shall be deemed to be a debt due by each member to the College, and shall be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court of the division in which the member resides.

Annual fee.

12. Subsection 6 of section 42 of *The Medical Act* is amended by striking out the symbol and figure "\$2" in the fourth line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 42,
subs. 6,
amended.

- (6) Such medical practitioner may, unless otherwise disqualified under this Act, at any time after his name is so erased by the registrar, obtain re-registration by applying to the registrar and paying \$5 in addition to all arrears of fees and dues under this Act, and taking out his certificate as herein provided, and he shall be thereupon reinstated to the full privileges enjoyed by other registered medical practitioners under this Act.

Re-registration
upon
payment of
arrears.

13. Subsection 2 of section 43 of *The Medical Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 43,
subs. 2,
amended.

- (2) No member of the Council shall be entitled to vote on any by-law under this section except the elected members of the Council, six of whom at least must be present at the passing of the by-law.

Who may
vote on
by-laws
under this
section.

Rev. Stat.,
c. 225, s. 47,
amended.

14. Section 47 of *The Medical Act* is amended by striking out the symbol and figures “\$25” in the seventh line and inserting in lieu thereof the symbol and figures “\$50”, and by striking out the symbol and figures “\$100” in the ninth line and inserting in lieu thereof the symbol and figures “\$200”, so that the said section shall now read as follows:

Penalty for
practising
without
registration.

47. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and if any person not registered pursuant to this Act, for hire, gain or hope of reward practices or professes to practise medicine, surgery or midwifery, or advertises to give advice in medicine, surgery or midwifery, he shall incur a penalty of not less than \$50 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

Rev. Stat.,
c. 225, s. 48,
amended.

15. Section 48 of *The Medical Act* is amended by striking out the words, figures and symbols “\$10 nor more than \$50” in the fifth line and inserting in lieu thereof the words, figures and symbols “\$50 nor more than \$100”, and by striking out the words, figures and symbols “\$50 nor more than \$200” in the seventh line and inserting in lieu thereof the words, figures and symbols “\$200 nor more than \$500”, so that the said section shall now read as follows:

Penalty for
falsely pre-
tending, etc.

48. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall incur a penalty of not less than \$50 nor more than \$100 for the first offence and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

Rev. Stat.,
c. 225, s. 49,
subs. 1,
amended.

16. Subsection 1 of section 49 of *The Medical Act* is amended by striking out the symbol and figures “\$25” in the eleventh line and inserting in lieu thereof the symbol and figures “\$50”, and by striking out the symbol and figures “\$100” in the thirteenth line and inserting in lieu thereof the symbol and figures “\$200”, so that the said subsection shall now read as follows:

Use of cer-
tain titles
restricted.

(1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title “Doctor”, “Surgeon” or “Physician” or any affix or prefix in-

dicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such, shall incur a penalty of not less than \$50 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

17. Section 50 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 225, s. 50,
re-enacted.

50. No person shall be entitled to recover any charge in any court for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed or supplied, unless he produces to the court a certificate that he was registered under this Act at the time the services were rendered, but this section shall not apply,— Not entitled
to recover
charges
unless
registered.

(a) to the sale of any drug or medicine by any duly authorized chemist or druggist;

(b) to the personal representative of a deceased person who at the time of giving, making, performing, prescribing or supplying such advice, attendance, operation or medicine was so registered; or

(c) where such advice, attendance, operation or medicine was given, made, performed, prescribed or supplied outside of Ontario.

18. Section 59 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 225, s. 59,
re-enacted.

59. All moneys forming part of the Council funds shall be paid to the Treasurer and may be applied or used in such manner as the Council may determine,— Council
funds.

(a) for the carrying out of the provisions of this Act;

(b) for any purpose which may tend to advance scientific knowledge or medical education and maintain the standards of the practice of medicine, surgery and midwifery;

(c) for assisting in the maintenance of a fund for the benefit of needy medical practitioners in Ontario; and

(d) generally to promote the objects of the College.

Rev. Stat.,
c. 225,
amended.

19. *The Medical Act* is amended by adding thereto the following section:

Absence of
registrar-
treasurer.

61. During the absence of the registrar-treasurer by reason of illness or otherwise, the powers and duties conferred and imposed upon him by this Act shall be exercised and performed by the assistant registrar.

Short title.

20. This Act may be cited as *The Medical Amendment Act, 1946.*

CHAPTER 53.

An Act to amend The Mental Incompetency Act.

*Assented to April 5th, 1946.**Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 35 of *The Mental Incompetency Act* is repealed. Rev. Stat.,
c. 110, s. 35,
subs. 2,
repealed.
2. Subsection 6 of section 36 of *The Mental Incompetency Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 110, s. 36,
subs. 6,
re-enacted.
- (6) Upon application at any time after the expiration of one year from the date of the order by which a person has been declared incapable of managing his affairs under subsection 1, or sooner by leave of the Court, the like proceedings may be taken and the like order made as provided in section 9 in the case of a person who has been declared a mentally incompetent person. Proceedings
on applica-
tion to
discharge
order.
3. This Act may be cited as *The Mental Incompetency Amendment Act, 1946.* Short title.



CHAPTER 54.

An Act to amend The Minimum Wage Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 3 of *The Minimum Wage Act* Rev. Stat., c. 190, s. 3, cl. *d*, amended. is amended by striking out the word “regular” in the third line, so that the said clause shall now read as follows:

(*d*) establish a minimum wage for the prevailing weekly work period in the business of any employer or for any other working period which the Board may establish. Minimum weekly wage.

(2) Clauses *f* and *g* of the said section 3 are amended by Rev. Stat., c. 190, s. 3, cls. *f*, *g*, amended. striking out the words “provided that such hourly rates shall not be less than one-fortieth of the weekly minimum wage” where they occur in the second and third lines of clause *f* and in the third, fourth and fifth lines of clause *g*, so that the said clauses shall now read as follows:

(*f*) establish minimum hourly rates of wages for overtime work; Overtime wages.

(*g*) establish minimum hourly rates of wages for employees who regularly work less than forty hours per week. Short time wages.

2. Section 4 of *The Minimum Wage Act* is repealed.

Rev. Stat., c. 190, s. 4, repealed.

3. Section 6 of *The Minimum Wage Act* is repealed.

Rev. Stat., c. 190, s. 6, repealed.

4. This Act may be cited as *The Minimum Wage Amendment Act, 1946*. Short title.

CHAPTER 55.

An Act to amend The Mining Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 19 of *The Mining Act* is repealed. Rev. Stat.,
c. 47, s. 19,
subs. 2,
repealed.
2. Subsection 2 of section 23 of *The Mining Act* is repealed. Rev. Stat.,
c. 47, s. 23,
subs. 2, re-
pealed.
3. Subsection 3 of section 78 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 47, s. 78,
subs. 3,
re-enacted.
 - (3) Boring by diamond or other core drill shall count Drilling.
as work at the rate of one day's work for each foot
of boring.
 - (3a) Work done by a compressed air drill or other power Idem.
driven rock drill of a type approved by the Minister
shall count as work at the rate of three days' work
in respect of each man necessarily employed in
operating the drill for each day of such employment.
4. Subsection 1 of section 110 of *The Mining Act* is amended Rev. Stat.,
c. 47, s. 110,
subs. 1,
amended.
by striking out all the words after the word "place" in the
sixth line, so that the said subsection shall now read as
follows:
 - (1) The Lieutenant-Governor in Council may make Regulations
as to
dredging
leases.
regulations respecting the issue of leases authorizing
the holders thereof to dredge or work in any river,
stream or lake, or on lands not covered by water,
for the purpose of recovering therefrom alluvial gold,
platinum, precious stones or other valuable mineral
not in place.
5. Subsection 3 of section 182 of *The Mining Act* is repealed. Rev. Stat.,
c. 47, s. 182,
subs. 3, re-
pealed.
- 6.—(1) Schedule A to *The Mining Act* is amended by Rev. Stat.,
c. 47,
Sched. A,
items 10, 11,
amended.
striking out the words "fee to be for recorder's own use"
where they occur in items 10 and 11, so that the said items
shall now read as follows:

10. For examining claim record book, per claim10

11. For inspecting any document filed with a mining recorder10

Rev. Stat., c. 47, Schedule A, item 29, re-enacted. (2) The said Schedule A is further amended by striking out item 29 and inserting in lieu thereof the following:

29. For every affidavit sworn before a recorder25

Short title. 7. This Act may be cited as *The Mining Amendment Act, 1946*.

CHAPTER 56.

An Act to amend The Mining Tax Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1941*, is further amended by adding thereto the following clauses:

(bb) "Mining rights" shall include ores, mines, minerals and mineral rights of every kind; Rev. Stat., c. 28, s. 1, amended. "Mining rights."

(cc) "Municipality" shall include improvement district. "Municipality."

2.—(1) Clause *j* of subsection 3 of section 4 of *The Mining Tax Act* is repealed. Rev. Stat., c. 28, s. 4, subs. 3, cl. j, repealed.

(2) Subsection 4 of the said section 4 is amended by striking out the word "deducation" in the first line and inserting in lieu thereof the word "deduction". Rev. Stat., c. 28, s. 4, subs. 4, amended.

(3) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of subs. 1.

3. Section 14 of *The Mining Tax Act*, as amended by section 3 of *The Mining Tax Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 14, re-enacted.

14.—(1) Except as hereinafter provided,— Acreage tax.

(a) every mining location and mining claim in unorganized territory held either mediately or immediately under patent, lease or license of occupation acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;

(b) all land in unorganized territory being held or used for mining purposes howsoever patented or alienated from the Crown;

- (c) all mining rights in, upon or under every mining location and mining claim situated within the limits of a municipality and patented, leased or granted under license of occupation acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (d) all mining rights in, upon or under land situated within the limits of a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of ten cents per acre in each year, provided that the minimum tax on any mining location, mining claim or mining rights shall not be less than one dollar in each year.

Mining rights in municipality exempted.

Proviso.

- (2) No such tax shall be payable in respect of the mining rights in, upon or under any lands situated within the limits of a municipality where such lands have been laid out as a townsite or subdivided into lots or parcels for city, town, village, park or summer resort purposes, but this subsection shall not exempt the mining rights from taxation where they are severed or held apart or separate from the surface rights.

Exemption of natural gas and petroleum holdings in southern Ontario.

- (3) No such tax shall be payable in respect of the mining rights in, upon or under any lands being held, used or developed solely for the production of natural gas or petroleum situated south of the French river, Lake Nipissing and the Mattawa river, and including the district of Manitoulin.

Exemption of agricultural lands.

Proviso.

- (4) No such tax shall be payable in respect of such acreage as was during the preceding year actually and *bona fide* in use for farming purposes or occupied by buildings or reasonably required or used in connection with such farming or buildings, but this subsection shall not exempt from taxation the mining rights held apart or separate from the surface rights nor shall there be any right to exemption unless a claim for such exemption has been made and proof by affi-

davit or otherwise of the facts has been furnished to the Department of Mines not later than the 1st day of March of the year in which the tax is payable nor unless such claim for exemption shall have been approved in writing by the mine assessor.

- (5) The decision of the mine assessor as to the right of exemption under this section shall be final and conclusive. Mine assessor's decision final.

4. Section 47 of *The Mining Tax Act* is amended by Rev. Stat., striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 28, s. 47, amended.

47. The Lieutenant-Governor in Council may make Regulations . regulations for carrying out the purposes of this Act.

5. This Act except subsection 1 of section 2 shall come into force on the day on which it receives the Royal Assent and shall be deemed to have had effect on and from the 1st day of January, 1946. Commencement of Act, — exception as to s. 2, subs. 1.

6. This Act may be cited as *The Mining Tax Amendment Act, 1946*. Short title.

CHAPTER 57.

An Act to amend The Minors' Protection Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Minors' Protection Act* is amended by striking out the words "without the consent of his parent or guardian" in the fourth and fifth lines and inserting in lieu thereof the words "unless such child is accompanied by his parent or legal guardian", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 296,
s. 1, subs. 1,
amended.

- (1) The keeper of a licensed billiard, pool or bagatelle room, kept directly or indirectly for hire or gain, shall not admit a child under the age of eighteen years thereto, or allow him to remain therein unless such child is accompanied by his parent or legal guardian.

Penalty for
admitting
minor under
eighteen.

(2) Subsection 2 of the said section 1 is amended by striking out the words "that such consent had been given by the parent or guardian, or" in the fifth and sixth lines, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 296, s. 1,
subs. 2,
amended.

- (2) This section shall not apply to a child who is a member of the family of the keeper or his servant, or does not go to the billiard, pool or bagatelle room for the purpose of loitering or to play billiards, pool or bagatelle therein, nor where the keeper had reasonable cause to believe that such child was not under the age of eighteen.

When Act
not to apply.

2. This Act may be cited as *The Minors' Protection Amendment Act, 1946*.

Short title.

CHAPTER 58.

An Act to amend The Money-Lenders Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Money-Lenders Act*, being chapter 243 of the Revised Statutes of Ontario, 1937, is amended by striking out the title to the said Act and inserting in lieu thereof the title "*The Unconscionable Transactions Relief Act*".

Rev. Stat.,
c. 243,
title
altered.

2. Clauses *e* and *g* of section 1 of *The Money-Lenders Act* are repealed.

Rev. Stat.,
c. 243, s. 1,
cls. *e*, *g*,
repealed.

3. Section 2 of *The Money-Lenders Act* is repealed.

Rev. Stat.,
c. 243, s. 2,
repealed.

4. Part III of *The Money-Lenders Act* comprising sections 6 to 13 inclusive, is repealed.

Rev. Stat.,
c. 243,
Part III,
repealed.

5. This Act may be cited as *The Money-Lenders Amendment Act, 1946*.

Short title.

CHAPTER 59.

An Act to amend The Mothers' Allowances Act.

*Assented to April 5th, 1946.**Assented to March 27th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Mothers' Allowances Act* Rev. Stat., c. 313, s. 1, cl. *d*, amended. is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second lines, so that the said clause shall now read as follows:

(*d*) "Regulations" shall mean regulations made under the "Regulations" authority of this Act.

2.—(1) Clause *a* of subsection 1 of section 2 of *The Mothers' Allowances Act* Rev. Stat., c. 313, s. 2, subs. 1, cl. *a*, amended. is amended by striking out the words "three years" in the fourth line and inserting in lieu thereof the words "one year" so that the said clause shall now read as follows:

(*a*) is a widow, or the wife of a man who is permanently unemployable by reason of mental or physical disability, or of a man who has deserted her and has not been heard of for at least one year.

(2) The said section 2 is amended by adding thereto the following subsection: Rev. Stat., c. 313, s. 2, amended.

(2*a*) Where a child in respect of whom an allowance is being paid is attending school and reaches the age of Reaching sixteen years of age during school year. sixteen years during the school year, the allowance shall, subject to the other provisions of this Act and the regulations, continue to be paid until the conclusion of the school year unless the child sooner ceases to attend school.

3. This Act may be cited as *The Mothers' Allowances Amendment Act, 1946.* Short title.

CHAPTER 60.

An Act to amend The Municipal Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 18 of *The Municipal Act* as amended by section 1 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows: Rev. Stat.,
c. 266, s. 18,
subs. 1,
amended.

- (1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 1,500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality. Incorporation of
towns in
unorganized
territory.

2. Section 20 of *The Municipal Act* is repealed. Rev. Stat.,
c. 266, s. 20,
repealed.

3.—(1) Subsection 2 of section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "who are entitled to vote on money by-laws", so that the said subsection shall now read as follows: Rev. Stat.,
c. 266, s. 23,
subs. 2 (1939,
c. 30, s. 2),
amended.

- (2) The Municipal Board before proceeding with the application of the council of any municipality under subsection 1 may require that the by-law of such council shall receive the assent of the electors of such municipality who are entitled to vote on money by-laws. Assent of
electors
entitled to
vote on
money
by-laws.

(2) Subsection 6 of the said section 23, as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clause: Rev. Stat.,
c. 266, s. 23,
subs. 6 (1939,
c. 30, s. 2),
amended.

- (a) In this subsection "electors" shall mean electors who are entitled to vote on money by-laws.

Rev. Stat.,
c. 266,
amended.

4. *The Municipal Act* is amended by adding thereto the following section:

Alteration
of areas.

23a.—(1) Upon the application of a municipality to enlarge, reduce or dissolve any fire, police, sewage, water or transportation area or local improvement area or street lighting area created under this or any other Act or any other area created for any municipal purpose, or to amalgamate any such area with any other area of a similar nature in the municipality, the Municipal Board may on such terms as it deems expedient, by order make such enlargement, reduction, dissolution or amalgamation.

Application
of s. 23.

- (2) The provisions of section 23, except subsection 14, shall apply *mutatis mutandis* in the case of an application under subsection 1.

Rev. Stat.,
c. 266,
amended.

5. *The Municipal Act* is amended by adding thereto the following section:

Power to
create inter-
urban ad-
ministrative
areas.

23b.—(1) Upon the application of a municipality as defined in *The Department of Municipal Affairs Act* for the creation of an area consisting of the applicant municipality or a part thereof and one or more other municipalities or parts thereof for the joint administration therein of education, fire and police protection, planning, highways, sewers, sewage disposal, garbage disposal, public health including hospitals and hospitalization, welfare including unemployment relief, parks or any public utility as defined by *The Department of Municipal Affairs Act*, the Municipal Board may by order on such terms as it deems expedient create such area or a greater or smaller area for any or all of such purposes.

Rev. Stat.,
c. 59.

- (2) Before proceeding with the application the Municipal Board may require the matter to be voted upon by the electors entitled to vote on money by-laws in the area or any part thereof.

Vote of
electors.

Public
hearing to
be held.

- (3) Before making an order under subsection 1 the Municipal Board shall hold a public hearing, after such notice thereof has been given as the Board may direct, for the purpose of inquiring into the merits of the application and of hearing the objections that any person may desire to bring to the attention of the Board.

- (4) If a petition signed by at least 150 electors entitled to vote on money by-laws of any municipality other than a city or 500 such electors of a city praying that an application under subsection 1 be made is presented to the council, the council shall within six weeks after the presentation of the petition or, subject to the approval of the Municipal Board, at the next election submit to the electors entitled to vote on money by-laws for their assent thereto a by-law or question setting out the nature of the application prayed for and if such by-law or question receives the assent of such electors the council shall forthwith make such application to the Municipal Board. ^{Petition.}
- (5) The Lieutenant-Governor in Council may authorize the Minister to make an application under subsection 1 and in such case the Municipal Board shall have the same powers as if the application had been made by a municipality under subsection 1. ^{Minister of Municipal Affairs may apply.}
- (6) The Municipal Board may by order made pursuant to an application under this section or by subsequent order or orders,— ^{Powers of Municipal Board.}
- (a) make all such adjustments of assets and liabilities as between the municipalities affected by any such order, as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (b) create, amalgamate or dissolve such local boards and make such adjustments of assets and liabilities of local boards as may be agreed upon or, in default of agreement, as the Municipal Board may deem equitable;
 - (c) define special areas within the area created under this section and adjust the rights, claims, liabilities and obligations of the rate-payers of the special areas and provide the extent to which liabilities shall be discharged by the imposition of rates upon the rateable property in the special areas;
 - (d) appoint one or more referees who shall have all the powers mentioned in section 58 of *The Ontario Municipal Board Act* to inquire into and report to the Board upon the adjustment of the matters referred to in clauses *a*, *b* and *c* or any of them, the report to be filed with the Board within such time as the Board may from time to time allow and the Board shall ^{Rev. Stat., c. 60.} consider

consider the report and may hear such representations with respect thereto as it may see fit and may adopt, vary or amend the report or refer the report back to the referee or referees for further consideration;

(e) fix the remuneration and expenses of the referee or referees and declare in what proportion the remuneration and expenses shall be paid by the municipalities;

(f) do or cause to be done all such other matters, acts, deeds and things as may be necessary or incidental to the carrying out of the order.

Wards.

(7) The Municipal Board shall order a division or re-division of the area into not less than three wards having regard to population and size, provided that no ward shall extend beyond the boundaries of the municipality in which it is situate unless it is agreed to the contrary by the municipalities in the area.

Acting secretary.

(8) The clerk of the municipality having the largest assessment shall act as secretary and returning officer of the area until a secretary-treasurer is appointed by the Board of Management.

Board of management,—composition of.

(9) There shall be a board of management to be known as the Board of Management of the Inter-Urban Area of which shall be a body corporate composed of one member for each ward in the area, to be elected as hereinafter provided.

Who may vote.

(10) Every person whose name is on the voters' list for the municipality or the part thereof within the ward as entitled to vote at municipal elections shall be entitled to vote at the election of the member of the Board of Management to be elected for such ward.

Time and place of elections.

(11) The first election of the Board of Management and any local board shall be held at the time and in the manner directed by the Municipal Board, and each election thereafter shall be held at the same time and place as the municipal elections of the municipality in which the ward is situate.

Election to be as municipal election.

(12) Except as provided in this section the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officials and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding elections including the resignation of persons nominated, vacancies and declara-

tions of qualification for office, and decision in the case of a tie vote, shall apply *mutatis mutandis* to such election.

- (13) Each member so elected shall hold office for two years and until his successor is elected. Two-year term.
- (14) The Board of Management shall appoint a secretary-treasurer for the area and Board of Management, who shall hold office during pleasure and who, subject to the by-laws of the Board of Management, shall with respect to the area and the administration of its affairs and of its inhabitants have and may exercise all the authority, powers and rights and shall perform all the duties and obligations which by statute or by-law are or may be conferred or imposed upon the clerk and treasurer of a municipality with the status as is designated by the Municipal Board in respect of the purposes for which the area is created. Secretary-treasurer.
- (15) The auditors of the municipality having the largest assessment within the area shall be the auditors of the area and the local boards thereof. Auditors.
- (16) The secretary-treasurer shall be the returning officer of the area and in the event of two or more candidates in any ward having an equal number of votes, he shall give a vote for one of such candidates so as to decide the election. Returning officer.
- (17) No person shall be eligible for election as a member of the Board of Management or any local board unless he is a resident of the ward for which he is nominated and qualified to vote at municipal elections therein. Eligibility of candidates.
- (18) Nominations for the first election of the members of the Board of Management or for any local board for any ward shall be held at the time and in the manner directed by the Municipal Board and each year thereafter the nominations shall be held at the same time and place as the nominations of municipal candidates for the municipality in which the ward is situate. Nominations.
- (19) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions containing the names of the candidates for the Board of Management and any local board in the same form as those used for councillors and aldermen. Ballot papers.
- (20) At the close of the poll in each municipality the returning officer thereof shall transmit to the returning officer at close of poll. Duties of returning officer at close of poll.

ing officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and not later than four o'clock in the afternoon of the third day following the last of such elections the returning officer of the area shall make up from the returns so received by him, the total number of votes cast for each candidate and publicly declare the result of the election and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid mail a copy of such certificate to each candidate.

Vacancies.

- (21) Where the office of a member of the Board of Management becomes vacant from any cause, the remaining members shall at the first meeting after such vacancy occurs appoint a qualified person resident in the ward from which the member so vacating his seat was elected, to fill the vacancy for the remaining part of the term for which his predecessor was elected.

Meetings.

- (22) The first meeting of the Board of Management shall be held at the time and place fixed by the order of the Municipal Board and each year thereafter the first meeting of the Board shall be held not later than the second Monday in January and the day and the hour for holding such meeting shall be fixed by by-law.

Election of chairman.

- (23) The secretary-treasurer shall preside at the election of the chairman or if there is no secretary-treasurer or in his absence the members present shall choose one of themselves to preside at such election and the member so chosen may vote as a member.

Idem.

- (24) In case of an equality of votes at the election of the chairman the member who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote.

Powers and duties of chairman.

- (25) The chairman of the Board of Management shall be deemed to be and shall have all the rights, powers, privileges, duties and authority of the head of a council and municipality and a mayor or reeve of a city, town, village or township and the chairman of a local board as designated by the Municipal Board.

Vice-chairman.

- (26) The Board of Management shall appoint a vice-chairman who shall during the absence of the chairman or if the office is vacant have all the rights, powers, privileges, duties and authority of the chairman.

- (27) A majority of the members constituting the Board shall be a quorum. ^{Quorum.}
- (28) The area shall be a local municipality for the purposes for which the area was created with the status of a city, town, village or township as is designated by the Municipal Board. ^{Status of area.}
- (29) The Board of Management shall be a municipal council for the administration and management of the purposes for which the area was created and shall be a local board as defined in *The Department of Municipal Affairs Act* for such purposes as are designated by the Municipal Board, except school boards, library boards, boards of commissioners of police, planning boards, boards of health and health units. ^{Status of Board of Management. Rev. Stat., c. 59.}
- (30) The powers vested in the Board of Management under this section shall not be exercised by the councils of the local municipalities in the area or by the council of the county, if any, in which the area is situate and the county levy, if any, shall not include a levy upon the rateable property in the area for any of the purposes for which the area was created. ^{Board of Management supreme.}
- (31) Every board created or amalgamated for school purposes in the area shall have the status of a public school board, continuation school board, separate school board, board of education, high school board or collegiate institute board, or board of trustees of a township school area as is designated by the Municipal Board, and every such board shall be a corporation by the name of The Public School Board, or The Continuation School Board, or The Separate School Board, or The Board of Education, or The High School Board, or The Collegiate Institute Board, or The Board of Public School Trustees of The Inter-Urban Area of, as the case may be, or such other designation as the Municipal Board by order or school board by by-law may provide, and the provisions of the respective school Acts governing such boards shall apply *mutatis mutandis* to such boards, except that each board shall be composed of one member for each ward elected for a term of two years at the time and in the manner herein provided by persons entitled to vote as public school supporters or separate school supporters, as the case may be, and the composition of the high school board or the ^{School boards.}

collegiate institute board and the board of education shall also include the member or members to be appointed by the county or separate school board pursuant to the provisions of *The High Schools Act* or *The Boards of Education Act*, as the case may be.

Rev. Stat.,
cc. 360, 361.

- (32) Notwithstanding subsection 1, the Municipal Board may provide that a high school board or a collegiate institute board created under this section shall be composed of one or more members representing each local municipality in the area to be appointed by the council of each such municipality at the first meeting in each year and the members so appointed shall, with such additional members as are authorized by *The High Schools Act* form such high school board or collegiate institute board, as the case may be.

Roll to be
transmitted
and
produced.

- (33) When the assessment roll has been finally revised and corrected, the clerk of each municipality within the area shall within ninety days transmit to the secretary-treasurer of the area a summarized statement of the contents of the roll showing the population and the total assessment of each of the various classes of property liable to assessment and the total business assessment and the total assessment for public school, separate school and general purposes, and when required to do so by the area assessors, Board of Management, county judge or court, as the case may be, for the purpose of equalization or otherwise produce the original assessment roll of the municipality.

Equaliza-
tion of as-
sessment.

- (34) The Board of Management shall equalize the real property assessments of the municipalities within the area for public school, separate school, continuation school, board of education, high and collegiate school purposes as the case may be and for such other purposes as are designated by the Municipal Board in a similar manner as is done in the case of an equalization for county purposes and similar procedures and rights shall apply thereto as in the case of a county equalization and for such purposes every municipality or public or separate school board thereof in the area shall be considered a municipality within a county, and for such purposes the Board of Management may with the approval of the Department appoint assessors who shall have the same powers and duties as county assessors.

Basis for
raising
required
sums.

- (35) The assessment of real property as equalized and business assessments in each municipality for the

preceding year shall be the basis upon which any rate or sums required to be raised for each of the purposes of the area shall be apportioned.

- (36) The Board of Management shall prepare and adopt ^{Rates.} estimates for all sums required during the year for the purposes of the area including the rates imposed by any separate school board and the sums required to be provided by the Board of Management for any board, commission or other body, and such estimates shall set forth the estimated revenue and expenditures in such form as the Department may prescribe and the Board of Management shall apportion the amounts required to be raised for each purpose among the municipalities within the area and the secretary-treasurer shall forthwith after such apportionment has been made certify to the clerk of each local municipality in the area the amount or rate to be levied thereon for each purpose for the current year and the sum shall be collected and levied upon the whole rateable property within such municipality according to the last revised assessment roll, except that the amounts or rates to be levied for public school or separate school purposes shall be collected and levied upon the whole rateable property of public school supporters or separate school supporters as the case may be, and the total of such amounts shall be collected and paid over to the Board of Management at the time and in the manner required by the Board.
- (37) The Board of Management may by by-law require ^{Estimates.} that the estimates for the current year for every board, commission or other body created for any of the purposes of the area and for which the Board of Management is by law required to raise or provide money, shall be submitted to the Board of Management on or before the first day of March in each year and that such estimates shall be in the form and give the particulars which the by-law prescribes.
- (38) The Board of Management in apportioning any ^{Rates to be levied on full values.} rate or sums for any of the purposes of subsection 1 of section 315a shall add to the amount of the equalized assessment of each local municipality within the area any amounts exempted therefrom by reason of a fixed assessment or a partial or total exemption from assessment, except as provided in section 4 of ^{Rev. Stat., c. 272.} *The Assessment Act*.

Borrowing
powers.

- (39) In raising money for any of the purposes of the Board of Management by way of debentures, the assent of the electors shall not be required, and for current borrowing, the provisions of section 339 shall apply *mutatis mutandis*.

Power to
make
additional
orders, etc.

- (40) The Municipal Board may make such orders in respect of any matter not specifically provided for in this section as it may deem expedient in connection with the area and every such order shall be valid and binding upon all municipalities and local boards affected thereby.

Conflict.

- (41) The powers conferred upon the Municipal Board by this section may be exercised at any time notwithstanding anything contained in this or any other special or general Act, and in the event of conflict between the provisions of this section and the provisions of this or any other special or general Act the provisions of this section shall prevail save that nothing herein contained shall affect or limit the powers of a board of separate school trustees with respect to the imposing, levying and collecting of school rates, the borrowing of money for school purposes and the making of instruments for the security of payment thereof.

Unorganized
territory.

- (42) Any area created in unorganized territory shall be subject to Part III of *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 266, s. 24,
subs. 1 (1944,
c. 39, s. 3),
amended.

6. Subsection 1 of section 24 of *The Municipal Act* as re-enacted by section 3 of *The Municipal Amendment Act, 1944*, is amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows:

Formation
of townships
in
unorganized
territory.

- (1) The Municipal Board may, upon application of not less than 75 male inhabitants of the locality, each being a British subject of the full age of twenty-one years, incorporate as a township or union of townships the inhabitants of a locality situate in unorganized territory and having a population of at least 1,000.

Rev. Stat.,
c. 266, s. 44,
re-enacted.

7. Section 44 of *The Municipal Act* is repealed and the following substituted therefor:

Division
into wards.

44. Where the council of a local municipality before the 15th day of July in any year by a vote of two-thirds

of all the members passes a resolution affirming the expediency of a division or a redivision of the municipality into wards, the Municipal Board may, notwithstanding any other general or special Act, divide or redivide the municipality into not less than three wards, each ward having a population of not less than 500.

8.—(1) Subsection 1 of section 44a of *The Municipal Act*, Rev. Stat., c. 266, s. 44a, subs. 1, (1943, c. 16, s. 1). as enacted by section 1 of *The Municipal Amendment Act, 1943*, is amended by inserting after the word "each" in the third line the words "being a British subject", so that the said subsection shall now read as follows: amended.

- (1) The Municipal Board may upon the application of the Department or not less than thirty male inhabitants of the locality, each being a British subject of the full age of twenty-one years, erect as an improvement district the inhabitants of a locality having a population of not less than fifty. Erection of improvement districts.

(2) Subsection 3 of the said section 44a, as enacted by section 5 of *The Municipal Amendment Act, 1944*, is repealed. Rev. Stat., c. 266, s. 44a, subs. 3, (1944, c. 39, s. 5), repealed.

9. Clause a of subsection 1 of section 44c of *The Municipal Act*, as enacted by section 1 of *The Municipal Amendment Act, 1943*, and amended by subsection 1 of section 6 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the words "*The Highway Improvement Act*" in the fourth line the words "*The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act*", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 44c, subs. 1, cl. a (1943, c. 16, s. 1), amended.

- (a) a municipal corporation and council of a township for the purposes and within the meaning of *The Municipal Act, The Assessment Act, The Highway Improvement Act, The Power Commission Act, The Public Utilities Act, The Public Health Act, The Local Improvement Act, The Municipal Drainage Act* and every other general Act relating to municipal institutions; and

10. Clause c of subsection 1 of section 46 of *The Municipal Act* is amended by adding at the end thereof the words "up to but not exceeding the maximum number provided by by-law", so that the said clause shall now read as follows: Rev. Stat., c. 266, s. 46, subs. 1, cl. c, amended.

- (c) in the case of a city having a population of not more than 15,000, where the council by by-law so provides,

one alderman for every 1,000 of the population up to but not exceeding the maximum number provided by by-law.

Rev. Stat.,
c. 266, s. 47,
subs. 1,
amended.

11. Subsection 1 of section 47 of *The Municipal Act* is amended by adding at the end thereof the words "or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote", so that the said subsection shall now read as follows:

Composi-
tion of
councils
of towns in
unorganized
territory.

- (1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote, or where the council so provides, the council shall consist of a mayor and four councillors to be elected by general vote.

Rev. Stat.,
c. 266, s. 48,
subs. 2,
re-enacted.

12.—(1) Subsection 2 of section 48 of *The Municipal Act* is repealed and the following substituted therefor:

Power to
vary com-
position of
council.

- (2) Where there are less than five wards, the council may provide that the number to be elected by general vote shall be one for every 1,000 of the population up to but not exceeding the maximum number provided.

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. a,
amended.

(2) Clause *a* of subsection 3 of the said section 48 is amended by inserting after the word "vote" in the first line the words "or where the council so provides, four councillors to be elected by general vote", so that the said clause shall now read as follows:

- (a) six councillors to be elected by general vote, or where the council so provides, four councillors to be elected by general vote; or

Rev. Stat.,
c. 266, s. 48,
subs. 3, cl. b,
amended.

(3) Clause *b* of subsection 3 of the said section 48 is amended by striking out the word "six" in the third line and inserting in lieu thereof the words "four or six, as the case may be", so that the said clause shall now read as follows:

- (b) where the council so provides one councillor for each ward and the remaining councillors to complete the full number of four or six, as the case may be, to be elected by general vote.

Rev. Stat.,
c. 266, s. 50,
amended.

13.—(1) Section 50 of *The Municipal Act*, as amended by section 4 of *The Municipal Amendment Act, 1939*, is further amended by adding thereto the following subsections:

Wards.

- (3) Where a village or township is divided into wards, the council, notwithstanding any general or special Act, shall be composed of a reeve to be elected by

general vote and a deputy reeve and a councillor to be elected for each ward, and where there is less than five wards, the Municipal Board may by order provide for an additional councillor for any ward having a population greater than 10,000.

- (4) Notwithstanding any other provision, no village or township shall have greater representation upon the county council than the reeve and one deputy reeve to be appointed by the council. County council.

(2) Notwithstanding the provisions of this or any other general or special Act, the Townships of York and North York shall each be entitled to be represented on the county council by the reeve and three deputy reeves, and no more, and where either of the said Townships is divided into more than three wards, the council shall annually prior to the date fixed for the first meeting of the county council designate by by-law the three wards the deputy reeves of which shall represent the Township on the county council, and subsection 2 of section 45 shall not apply to such reeves and deputy reeves. York and North York Townships.

(3) Notwithstanding the provisions of this or any other general or special Act, where the number of wards in the Township of York or the Township of North York is increased, the school boards shall be composed of such members for each ward as the council may by by-law provide. Idem.

14. Section 64 as amended by section 7 of *The Municipal Amendment Act, 1939*, sections 65 and 66, section 67 as amended by section 8 of *The Municipal Amendment Act, 1939*, section 68, section 69 as amended by section 7 of *The Municipal Amendment Act, 1944*, section 70 as amended by section 2 of *The Municipal Amendment Act, 1938*, and as further amended by section 9 of *The Municipal Amendment Act, 1939*, and section 8 of *The Municipal Amendment Act, 1944*, sections 71, 72 and 73, section 74 as re-enacted by section 9 of *The Municipal Amendment Act, 1944*, section 75 as re-enacted by section 10 of *The Municipal Amendment Act, 1944*, section 76 as re-enacted by section 11 of *The Municipal Amendment Act, 1944*, and section 77 of *The Municipal Act*, as re-enacted by section 12 of *The Municipal Amendment Act, 1944*, are repealed and the following substituted therefor: Rev. Stat., c. 266, ss. 64-77, re-enacted.

- 64.—(1) Except when otherwise provided by by-law passed in accordance with this Act, a meeting of the electors shall take place annually for the nomination of candidates for council and any local board or commission any members of which are required to Nomina-
tion and
polling days.

be elected by ballot by the municipal electors at the hall of the municipality at noon on the last Monday in December and the day for polling shall be the first Monday in January next thereafter.

When
nomination
day falls on
Christmas.

- (2) When the last Monday in December is Christmas Day, the nomination meeting shall be held on the preceding Friday.

Alternative
nomination
and polling
days.

- 65.—(1) The council may by by-law passed not later in the year than the 1st day of November, fix the day for the meeting of electors for the nomination of candidates for council and any local board or commission any members of which are required to be elected by ballot by the municipal electors and the day for the polling between the Friday preceding the last Monday in November and the 1st day of January, both inclusive, except a Sunday and the 24th, 25th and 31st days of December, provided that the day fixed for nominations is at least fourteen days prior to the day fixed for polling, and the by-law shall remain in force from year to year until repealed.

Time and
place of
nomination
meetings.

- (2) The by-law shall fix the place and time of the nomination meeting, and where an election is by wards, the by-law may fix the place and time in each ward for the nomination meeting for such ward.

Where a
township
adjoins an
urban
municipality.

- (3) Where a township adjoins an urban municipality, a place within the urban municipality may be designated as the place for holding the nomination meeting of the township.

New muni-
cipalities.

66. When the incorporation of a new municipality takes effect on the 31st day of December, the nomination meeting and all proceedings incidental thereto and to the holding of the election on the first Monday in January next thereafter may be had and taken as if the incorporation had taken effect.

Notice.

67. The returning officer shall give at least six days' notice of the nomination meeting.

Proceedings
at
nomination
meetings.

- 68.—(1) At the nomination meeting the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing and state the name, residence and occupation of the candidate, and shall be signed by the proposer and seconder both of whom shall be municipal electors and present, and every nomination shall be filed with the returning officer within one hour from the time fixed for holding the meeting.

- (2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection. Effect of non-compliance
- (3) At the nomination meeting a person may resign in respect of one or more offices for which he is nominated and in default he shall be deemed to be nominated for the office for which he was first nominated. Resignations.
- (4) In a township, the treasurer and collector shall attend the place at which the nomination meeting is to be held at least one hour prior to the time fixed for holding the same, for the purpose of furnishing the certificates referred to in section 70. Treasurer and collector to attend meeting.
69. Immediately following the nomination meeting the returning officer shall post up in the office of the clerk the name, residence and occupation of every person nominated for the respective offices. Names of candidates to be posted up.
- 70.—(1) Before nine o'clock in the afternoon of the day following the nomination meeting, provided that where such day is a holiday, not on such day but before noon on the following day, every candidate shall file in the office of the clerk,— Declaration of qualification, etc.
- (a) a declaration of qualification (Form 2);
 - (b) an oath of allegiance (Form 2A); and
 - (c) a certificate of the treasurer or collector that there were no unpaid taxes at the time of his nomination for any preceding year against the land in respect of which he is qualifying, or a statutory declaration to the same effect.
- (2) When a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the prescribed time and it appears to the clerk that the candidate is qualified to be elected, any municipal elector may in lieu of such declaration, file within the prescribed time a declaration stating that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualifications prescribed for the office for which he has been nominated and that if elected he will accept the office. Absence or illness of candidates.

Withdrawal
of
candidates.

- (3) Any person who has made the filings required by subsection 1 may resign in writing signed by him and attested by a witness and delivered to the clerk within the time prescribed in subsection 1.

Clerk's
office to
remain
open.

- (4) The clerk's office shall remain open until nine o'clock in the afternoon of the day following the nomination meeting, but if that day is a holiday it shall be closed, in which case it shall remain open the following day until noon, so that filings may be made.

Failure
to file.

- (5) The clerk shall not place on the ballot paper the name of a candidate who fails to make the filings required by subsection 1 or on whose behalf a declaration has not been filed under subsection 2.

Acclamation.

71. If no more candidates qualify for any office than the members to be elected, the returning officer shall forthwith declare the remaining candidate or candidates duly elected.

New
election.

72. When from any cause the requisite number of persons is not elected, the clerk shall cause a new election to be held as soon as practicable to fill the vacancies, and until such election is held and the council, or sufficient members to exceed one-half thereof when complete, is elected, the council of the preceding year shall continue in office.

Rev. Stat.,
c. 266, s. 79,
re-enacted.

- 15.** Section 79 of *The Municipal Act* as amended by section 13 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Two-year
terms.

- 79.—(1) The council of a local municipality may by by-law passed with the assent of the electors extend the term of office of the members of the council to two years, and may with the like assent repeal such by-law.

Staggered
system.

- (2) The by-law passed under subsection 1 may provide that of the members, other than the mayor, reeve and deputy reeve, the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

Idem,—in
wards.

- (3) Where two or more members other than a deputy reeve are elected in a ward, the by-law passed under subsection 1 shall provide that of the members

elected the one-half, or in the case of an uneven number the majority, receiving the highest number of votes shall remain in office for a two-year term and the remainder shall remain in office for a one-year term and thereafter all the members shall be elected for a two-year term.

- (4) Where only one member, other than a deputy reeve, ^{Where one member only elected.} is elected in a ward, the by-law passed under subsection 1 shall provide that such member shall be elected for a one-year term and at every election thereafter, for a two-year term.
- (5) Where a two-year term by-law providing for the ^{Acclamations.} staggered system is passed and the full number of members to be elected are elected by acclamation, the members so elected may at the first meeting of the council agree as to which of them shall remain in office for a two-year term and which of them shall remain in office for a one-year term, and if failing agreement the question shall be determined by lot to be cast by the clerk in the presence of the members, and in either case the result shall be entered in the minutes.
- (6) Where a by-law has been or is passed under ^{Local boards.} subsection 1, the council may provide that every elected member of any local board as defined in *The Department of Municipal Affairs Act* shall, notwithstanding the provisions of any general or special Act, be elected at the same time and hold office for the same term as the members of the council and where the term of office of any such board to which this subsection applies expires before the next election of members of the council his term of office shall be extended for one year, and where the power conferred by this subsection is exercised the provisions of subsection 2 shall apply *mutatis mutandis*.

16.—(1) Clause *d* of subsection 1 of section 81 of *The Municipal Act* is amended by striking out the word "sub-division" in the second line and inserting in lieu thereof the word "place", so that the said clause shall now read as follows: ^{Rev. Stat., c. 266, s. 81, sub-s. 1, cl. d, amended.}

(d) a deputy returning officer and a poll clerk for each polling place.

(2) The said section 81 is amended by adding thereto the following subsection: ^{Rev. Stat., c. 266, s. 81, amended.}

(3) The council on the recommendation of the clerk may ^{Election assistants.} appoint such election assistants, not exceeding one

for each polling place, as may be deemed necessary to assist the deputy returning officers and poll clerks in the conduct of the election, and every such assistant shall be authorized in writing to enter, remain and assist in any polling place during any part of the time the poll is open and at the counting of the votes.

Rev. Stat.,
c. 266, s. 83,
re-enacted.

17. Section 83 of *The Municipal Act* is repealed and the following substituted therefor:

Polling sub-
divisions
and places.

83.—(1) By-laws may be passed by local municipalities for dividing the municipality, or where the municipality is divided into wards, the wards, into two or more polling subdivisions and for establishing one or more polling places in each polling subdivision.

Polling
places to be
provided.

(2) One or more polling places shall be provided for each polling subdivision in accordance with the convenience of the electors, and where there are two or more polling places in a polling subdivision each polling place shall be designated by the initial letters of the electors who are to vote therein, that is to say, A to M and N to Z, or as the case may be.

Boundaries
to be
defined.

(3) Every polling subdivision shall have well defined boundaries and shall be formed in the most convenient manner so that the number of electors entitled to vote in each polling place shall as nearly as possible equal but not exceed 450, determined by the last revised assessment roll.

Polling sub-
division to
be in one
electoral
district.

(4) A polling subdivision shall not include territory in more than one electoral district.

Where
electors
exceed 450.

(5) Where the clerk finds that the number of electors in a polling subdivision or polling place exceeds 450 he shall notify the council of such fact.

Redivision.

(6) Where the number of electors in a polling subdivision or polling place exceeds 450 or where the council is of opinion that the convenience of the electors will be promoted, the council may make a redivision of the polling subdivisions or polling places so that the polling subdivisions and polling places will conform with this section.

When re-
division to
take effect.

(7) When a polling subdivision or polling place is created or altered after the publication of the voters' lists, such creation or alteration shall not take effect until the next voters' lists are being prepared.

- (8) The polling subdivisions shall be numbered consecutively and where there is more than one polling place in a polling subdivision such fact shall be indicated and a copy of the by-law by which they are established certified under the seal of the corporation and the hand of the clerk to be a true copy shall forthwith after the passing thereof be filed by the clerk in the office of the clerk of the peace for the county or district in which the municipality is situate. Subdivisions to be numbered.
- (9) Any five electors may at any time within two months after such filing appeal in respect of any polling subdivision to the judge of the county or district court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required. Appeal.
- (10) An election shall not be irregular or void or voidable for the reason that a polling subdivision which contains more than the prescribed number of electors has not been divided. Election not to be voided if subdivision is wrongly formed.

18. Section 84 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 84, re-enacted.

84. By-laws may be passed by the councils of local municipalities for uniting for any purpose any two adjoining subdivisions and establishing one polling place therefor. Uniting polling subdivisions.

19. Section 85 of *The Municipal Act* as amended by section 3 of *The Municipal Amendment Act, 1938*, is further amended by striking out the words "cities and towns and of townships bordering on a city having a population of not less than 100,000" in the first, second and third lines and inserting in lieu thereof the words "local municipalities", so that the said section exclusive of the clauses shall now read as follows: Rev. Stat., c. 266, s. 85, amended.

85. By-laws may be passed by the councils of local municipalities for providing that either or both public and separate school houses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such school house or public building may be used, although it is not situated in the polling subdivision or polling subdivisions for which it is used. Using public and separate schools for polling places.

Rev. Stat.,
c. 266, s. 97,
amended.

20. Section 97 of *The Municipal Act* is amended by adding thereto the following subsection:

Power to
vary.

(3) In any municipality the form of any ballot paper may by by-law be varied by stating in respect of each office the number of candidates for such office for which the voters are entitled to vote.

Rev. Stat.,
c. 266, s. 125,
re-enacted.

21. Section 125 of *The Municipal Act* is repealed and the following substituted therefor:

Who may be
in polling
place.

125. The deputy returning officer, the poll clerk, the election assistant, the constable or constables, any candidate, or in his absence, his agent, and no others shall be permitted to remain in the polling place during the time the poll is open or to be in the polling place at the counting of the votes.

Rev. Stat.,
c. 266, s. 126,
re-enacted.

22. Section 126 of *The Municipal Act* is repealed and the following substituted therefor:

Agents.

126. A candidate shall be entitled to one agent only in a polling place at any one time.

Rev. Stat.,
c. 266,
amended.

23. *The Municipal Act* is amended by adding thereto the following section:

Persons in-
side polling
place.

127a. Every person qualified to vote thereat who is inside the polling place at the time fixed for closing the poll, shall be entitled to vote.

Rev. Stat.,
c. 266, s. 229,
subs. 2,
re-enacted.

24. Subsection 2 of section 229 of *The Municipal Act* is repealed and the following substituted therefor:

Acting head
of council.

(2) When the head of the council is absent from the municipality or absent through illness or his office is vacant, the council may by resolution appoint one of its members to act in his place and stead, and while so acting, such member shall have and may exercise all the rights, powers and authority of the head of the council.

Rev. Stat.,
c. 266, s. 234,
subs. 2,
re-enacted.

25. Subsection 2 of section 234 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Deputy
clerk.

(2) The council may appoint a deputy clerk to act in the place of the clerk in his absence or where the office is vacant, in which case the deputy clerk shall have all the powers and duties of the clerk under this and every other Act.

26. Section 236 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 236,
repealed.

27. Section 238 of *The Municipal Act*, as amended by section 15 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 238,
re-enacted.

238.—(1) The council shall appoint a treasurer.

Treasurer.

(2) The council may appoint a deputy treasurer to act in the place of the treasurer in his absence or where the office is vacant, in which case the deputy treasurer shall have all the powers and duties of the treasurer under this and every other Act.

Deputy
treasurer.

28. Subsection 2 of section 239 of *The Municipal Act* is amended by striking out the words "what security" in the first line and inserting in lieu thereof the words "that security within the meaning of subsection 2 of section 257", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266, s. 239,
subs. 2,
amended.

(2) The warden shall, by the warrant, direct that security within the meaning of subsection 2 of section 257 shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made.

Security to
be given.

29. Section 240 of *The Municipal Act*, as amended by section 16 of *The Municipal Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 240,
amended.

(1a) Notwithstanding the provisions of subsection 1, the council of a local municipality having a population of less than 5,000 or a county may by by-law provide that cheques issued by the treasurer shall be signed by the treasurer only and the council of any other municipality may by by-law provide that the signature of the treasurer on cheques may be written, stamped, lithographed or engraved or may designate one or more persons to sign cheques in lieu of the treasurer.

Alternative
methods of
signing
cheques.

30. Section 244 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 244,
repealed.

31.—(1) Subsection 1 of section 247 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 247,
subs. 1, re-
enacted.

Assessment
commis-
sioners and
boards of
assessors.

- (1) The council of a local municipality may appoint an assessment commissioner and may constitute a board of assessors which shall have all the powers and perform all the duties of assessors.

Rev. Stat.,
c. 266, s. 247,
subs. 3,
amended.

- (2) Subsection 3 of the said section 247 is amended by striking out the words "who, with the assessment commissioner, constitute the board of assessors" at the end thereof, so that the said subsection shall now read as follows:

Annual
appoint-
ments not
necessary.

- (3) It shall not be necessary to appoint annually the assessment commissioner or the assessors.

Rev. Stat.,
c. 266, s. 248,
subs. 1
(1944, c. 39,
s. 17),
amended.

- 32.**—(1) Subsection 1 of section 248 of *The Municipal Act*, as re-enacted by section 17 of *The Municipal Amendment Act, 1944*, is amended by striking out the words "except separate school boards" at the end thereof, so that the said subsection shall now read as follows:

Appointment
of auditors.

- (1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council and every person so appointed shall in addition to his duties in respect of the corporation audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*.

Rev. Stat.,
c. 59.

- (2) The said section 248 is further amended by adding thereto the following subsections:

Where local
board in
more than
one
municipality.

- (1a) Where a local board functions in more than one municipality, the accounts and transactions thereof shall be audited by an auditor of the municipality having the greatest assessment.

Cost of
audit.

- (1b) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the municipality and charged back to the local board, and in the event of a dispute as to the amount of the cost the Department may upon application finally determine the amount thereof.

Local boards
in
unorganized
territory.

- (1c) Every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory shall appoint one or more auditors and the provisions of this Act with respect to auditors shall apply *mutatis mutandis*.

- (1d) Where by any other general or special Act auditors are required to be appointed or elected by or for any authority within the meaning of this section, the exercise of such power shall not be mandatory, notwithstanding such Act.

Provision
to avoid
duplication
of audits.

- (3) This section shall be deemed to have come into force on the 6th day of April, 1944.

Retrospec-
tive effect.

33. Section 257 of *The Municipal Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 266, s. 257,
amended.

- (7) This section shall apply *mutatis mutandis* to the treasurer and every other officer as the board may require of a local board as defined in *The Department of Municipal Affairs Act*, and to every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory.

Local boards
and
authorities.
Rev. Stat.,
c. 59.

34. Section 258 of *The Municipal Act*, as amended by section 14 of *The Municipal Amendment Act, 1939*, and section 20 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 258,
re-enacted.

258. The council of any municipality may prior to the day fixed for holding nominations publish a detailed statement signed by the head of the council and the treasurer of the revenues and expenditures for the current year in the form and manner prescribed by the Department.

Publication
of state-
ments of
revenues
and ex-
penditures.

35. Sections 264 and 265 of *The Municipal Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 264,
repealed;
s. 265,
re-enacted;

- 265.—(1) A council may grant an annual retirement allowance, payable weekly, monthly or otherwise during his life to any employee who has been in the service of the corporation for at least twenty years and who while in the service has become incapable through illness or old age of efficiently discharging his duties; provided that the retirement allowance and the amount of any pension payments payable to the employee in any year shall not exceed three-fifths of his average annual salary for the preceding three years of his service, or \$2,500.

Retirement
allowances.

- (2) Where an employees' pension plan is in operation, this section shall apply only to employees who were in the employ of the municipality on the day on

Application
of section.

which this Act comes into force and in any event shall not apply to any employee who enters the service of the municipality after the 1st day of January, 1948.

"employee",
defined.

- (3) In this section "employee" shall have the same meaning as in paragraph 41a of section 404.

Rev. Stat.,
c. 266, s. 280,
subs. 9,
re-enacted.

- 36.** Subsection 9 of section 280 of *The Municipal Act* is repealed and the following substituted therefor:

By-laws,
questions, in
one notice.

- (9) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Rev. Stat.,
c. 266, s. 281,
re-enacted.

- 37.** Section 281 of *The Municipal Act* is repealed and the following substituted therefor:

By-laws,
questions, in
one ballot.

281. Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be placed upon one ballot paper.

Rev. Stat.,
c. 266, s. 305,
subs. 4
(1944,
c. 69, s. 22,
subs. 2),
repealed.

- 38.**—(1) Subsection 4 of section 305 of *The Municipal Act*, as re-enacted by subsection 2 of section 22 of *The Municipal Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 266, s. 305,
subs. 5,
amended.

- (2) Subsection 5 of the said section 305, as amended by subsection 3 of section 22 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "Instead of the principal being made payable as above provided" at the commencement thereof, so that the said subsection shall now read as follows:

Repayment
of principal.

- (5) The by-law may provide that the principal may be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid.

Rev. Stat.,
c. 266, s. 305,
amended.

- (3) The said section 305 is amended by adding thereto the following subsection:

Consolidation.

- (14) Notwithstanding any other Act, the council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. aa
(1939, 2nd
Sess., c. 6,
s. 3), re-
enacted.

- 39.** Clause aa of subsection 3 of section 307 of *The Municipal Act*, as enacted by section 3 of *The Municipal Amendment Act, 1939 (No. 2)*, and amended by subsection 1 of section 23 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

- (aa) for borrowing money for any of the purposes mentioned in paragraph 28, 30 or 41a of section 404, or section 404a, or in paragraph 1, 1a or 2 of section 414; or

40. Subsection 3 of section 314 of *The Municipal Act* and Form 28 are repealed.

Rev. Stat.,
c. 266, s. 314,
subs. 3, and
Form 28,
repealed.

41.—(1) Subsection 1 of section 315a of *The Municipal Act*, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter "section 404a" in the sixth line and inserting in lieu thereof the words "paragraph 28 of section 404 or in section 404a or for unemployment relief purposes or for any educational purpose included in the county levy", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266,
s. 315a,
subs. 1 (1939,
2nd Sess.,
c. 6, s. 4),
amended.

- (1) Notwithstanding anything contained in this or any other general or special Act, or in any order of the Municipal Board, or in any municipal by-law or resolution, or in any contract, or other instrument, a municipal rate levied for any of the purposes set out in paragraph 28 of section 404 or in section 404a or for unemployment relief purposes or for any educational purpose included in the county levy shall be levied upon the full value of all the rateable property in the municipality, and no fixed assessment or partial or total exemption from assessment or taxation shall apply thereto, except as provided in section 4 and subsection 3 of section 40 of *The Assessment Act*.

Where
rates
to be
levied
on full
values.

Rev. Stat.,
c. 272.

(2) Subsection 2 of the said section 315a, as enacted by section 4 of *The Municipal Amendment Act, 1939 (No. 2)*, is amended by striking out the word, figures and letter "section 404a" in the third line and inserting in lieu thereof the word and figure "subsection 1", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266,
s. 315a,
subs. 2,
1939,
2nd Sess.,
c. 6, s. 4),
amended.

- (2) In calculating whether the limit fixed by subsection 1 of section 315 has been reached, any rates levied for any of the purposes set out in subsection 1 shall be excluded from such calculation.

Rates to be
excluded.

(3) Subsection 3 of the said section 315a, as enacted by section 11 of *The Municipal Amendment Act, 1940*, is amended by striking out the word, figures and letter "section 404a" in the second line and inserting in lieu thereof the word and figure "subsection 1", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 266,
s. 315a,
subs. 3
(1940,
c. 18, s. 11),
amended.

Fixed as-
essment
exemptions
to be
included.

- (3) The council of a county in levying a rate for any of the purposes set out in subsection 1 shall add to the amount of the equalized assessment of each local municipality within the county any amounts exempted therefrom by reason of a fixed assessment.

Rev. Stat.,
c. 266,
s. 315b,
subs. 1
(1943,
c. 16, s. 5),
re-enacted.

42. Subsection 1 of section 315b of *The Municipal Act*, as enacted by section 5 of *The Municipal Amendment Act, 1943*, is repealed and the following substituted therefor:

Federation
of Agri-
culture,—
special rate.

- (1) The council of a township may subject to the approval of the Department by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the township who are entered on the assessment roll as farmers as the annual membership fees of such persons in the Federation of Agriculture.

How special
rate may be
avoided.

- (1a) Any person to whom subsection 1 applies may within thirty days after delivery of the notice of assessment in writing notify the assessor that he objects to the assessment provided for in subsection 1 and thereupon the assessor shall amend the assessment roll by striking out the assessment made under subsection 1 in respect of such person and shall write his name or initials against such amendment and deliver a notice of assessment amended accordingly to such person.

Rev. Stat.,
c. 266,
s. 316a,
subs. 1 (1943,
c. 16, s. 6),
re-enacted.

43.—(1) Subsection 1 of section 316a of *The Municipal Act*, as enacted by section 6 of *The Municipal Amendment Act, 1943*, and amended by section 26 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Reserve
funds.

Rev. Stat.,
c. 59.

- (1) Every municipality as defined in *The Department of Municipal Affairs Act*, and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory, may in each year with the approval of the Department provide in the estimates for the establishment or maintenance of a reserve fund for use in providing public works or projects or replacements, renewals or improvements thereof, provided that where the approval of the council is required by law for a capital expenditure or the issue of debentures of a local board, the approval of the council of a provision in the estimates of such local board for a reserve fund shall be obtained.

(2) This section shall be deemed to have had effect on and after the 14th day of June, 1943. Retrospective effect.

44. Section 321a of *The Municipal Act*, as enacted by section 18 of *The Municipal Amendment Act, 1939*, is amended by adding at the end thereof the words "and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality", so that the said section shall now read as follows: Rev. Stat., c. 266, s. 321a (1939), c. 30, s. 18, amended.

321a. Notwithstanding the provisions of any general or special Act, where the revenue derived from the sinking fund surpluses investment of sinking funds together with other accretions exceeds the aggregate requirements of all by-laws applicable thereto and the excess is represented in a consolidated surplus account or other separate funds, the commissioner of finance, the treasurer of the municipality or the trustees of the sinking fund, as the case may be, may with the approval of the council and the Municipal Board apply the amount of such surplus to the sinking fund of each debt proportionately as the amount of the sinking fund of each such debt bears to the aggregate of the sinking funds of all such debts and notwithstanding sections 322 and 323 the amount of such surplus not so applied may with the approval of the council and the Municipal Board be transferred to the general funds of the municipality.

45. Subsection 2 of section 338 of *The Municipal Act* is amended by striking out the word "equal" in the fourth line. Rev. Stat., c. 266, s. 338, subs. 2, amended.

46. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 266, amended.

338a.—(1) Notwithstanding any other Act, where a debenture is sold at a premium, the surplus shall be entered in a suspense account and distributed equally over the term of the debenture as a reduction of the interest charges. Where debenture sold at a premium.

(2) Notwithstanding any other Act, where a debenture is sold at a discount, the deficit shall be entered in a suspense account and distributed equally over the term of the debenture as an addition to the interest charges. Where debentures sold at a discount.

(3) Where the amount of the surplus or deficit does not warrant its distribution equally over the term of the Where surplus or deficit small.

debenture, the distribution may be made in one or more years.

Rev. Stat.,
c. 266,
amended.

47. *The Municipal Act* is amended by adding thereto the following section:

Municipal
Board as
arbitrator.

356a. Notwithstanding the provisions of this or any other Act the council may by by-law designate the Municipal Board as the sole arbitrator, in which case the Municipal Board shall have and may exercise all the powers and duties of an official arbitrator.

Rev. Stat.,
c. 266, s. 404,
amended.

48.—(1) Section 404 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Destruction
of records.

2. Subject to the approval of the Department, for the destruction of receipts, vouchers, instruments, rolls or other documents, records and papers.

Community
programmes.

2a. For carrying on a community programme of training in physical fitness within the meaning of the regulations under *The Department of Education Act*.

Rev. Stat.,
c. 356.

Joint
operation
of works,
systems and
services.

8a. For entering into agreement with one or more municipalities to provide for the joint management and operation of water systems, sewerage systems, works for the disposal, interception or purification of sewage, garbage collection and disposal systems, hydro-electric systems, transportation systems, road systems, fire departments, police departments, or other municipal utility, systems or services, and for the establishment of joint boards of management therefor.

Fox
bounties.

17a. For giving bounties for the destruction of foxes, provided that a local municipality shall not give any such bounties where the county in which it is situate has a by-law in force under this paragraph.

Proviso.

Sick leave
credit
gratuities.

41b. For providing, subject to the approval of the Department, a plan of sick leave credit gratuities for employees or any class thereof and for establishing and maintaining a fund therefor, and for investing the moneys of such fund, provided that on the termination of his employment no employee shall be entitled to more than an amount equal to his salary or other remuneration for the six months period then last past.

Proviso.

(a) "Employee" shall mean any person designated as an employee by the Department and shall

include any salaried officer, clerk, workman, servant or other person in the employ of the municipality or of a local board as defined in

The Department of Municipal Affairs Act. Rev. Stat., c. 59.

53. For providing for the use by any person of any of the mechanical equipment of the municipality and for fixing the terms, conditions and rent charges therefor. Rental of equipment.

(2) Paragraph 16 of the said section 404, as re-enacted by subsection 1 of section 10 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 16 (1911, c. 35, s. 10, subs. 1), re-enacted.

16. For entering into agreement with any other municipality or person for the use of the fire-fighting equipment, or any of it, of the municipality or of such other municipality or person upon such terms and conditions and for such consideration as may be deemed expedient, provided that notwithstanding the provisions of any such agreement no liability shall accrue to the municipality or person for failing to supply the use of the fire-fighting equipment, or any of it. Fire protection agreements.

(3) Paragraph 28 of the said section 404, as amended by subsection 2 of section 36 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 404, para. 28, re-enacted.

28. For granting aid for the erection, establishment, maintenance or equipment of public hospitals, public sanatoria or municipal isolation hospitals, within or outside the municipality and may issue debentures therefor. Aid to hospitals.

(4) Paragraph 30 of the said section 404, as re-enacted by subsection 3 of section 36 of *The Municipal Amendment Act, 1944*, is amended by striking out the first seven lines and clause *a* and inserting in lieu thereof the following: Rev. Stat., c. 266, s. 404, para. 30 (1944, c. 39, s. 36, subs. 3), amended.

30. Subject to the approval of the Department, for acquiring, erecting, altering, maintaining, operating or managing or granting aid for the acquisition, erection, alteration, maintenance, operation or management of monuments, memorial windows, tablets, buildings, arenas, auditoriums, parks, recreational areas, health or community centres, playgrounds, athletic fields, stadia, or other places of recreation and amusement within or outside the municipality which may be in commemoration of the persons or any class thereof who served during any war in the armed forces of His Majesty or His Majesty's

Majesty's allies or in the auxiliary or ancillary services of such forces or in the merchant marine or any Corps of (Civilian) Canadian Fire Fighters for service in the United Kingdom.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor or for any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

.

Rev. Stat.,
c. 266, s. 404,
para. 30
(1944, c. 39,
s. 36, subs.
3), amended.

- (5) The said paragraph 30 is further amended by adding thereto the following clauses:

- (e) The council may appoint three resident ratepayers who need not be members of the council to act on its behalf as a board of management for any undertaking under this paragraph.

- (f) The council may prescribe fees for admittance to or for the use of any undertaking under this paragraph.

Rev. Stat.,
c. 266, s. 404,
para. 41a
(1939,
c. 30, s. 23,
subs. 2),
amended.

- (6) Paragraph 41a of the said section 404 as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is amended by adding thereto the following clauses:

Municipali-
ties may
agree to
provide
pensions.

- (f) Any two or more municipalities may provide by agreement for pensions for employees or any class thereof and their wives and children, and in such case the provisions of this paragraph shall apply *mutatis mutandis* and it shall be agreed that one of the parties shall be deemed to be the municipality and the other parties shall be deemed to be local boards within the meaning of this paragraph.

Local boards
may provide
pensions.

- (g) Any local board may provide pensions for employees or any class thereof and their wives and children and the provisions of this paragraph shall apply *mutatis mutandis* thereto.

Rev. Stat.,
c. 266, s. 404,
para. 41a,
cl. c (1939,
c. 30, s. 23,
subs. 2),
amended.

- (7) Clause c of the said paragraph 41a, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, and amended by subsection 8 of section 36 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "municipality" in the first and second lines the words "or local board", so that the said clause shall now read as follows:

- (c) Payment or contributions other than the initial payments or contributions made by a municipality or local board under this paragraph shall be deemed to be current expenditures.

(8) Clause *c* of the said paragraph 41a, as enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1939*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 404,
para. 11a,
cl. *c* (1939,
c. 30, s. 23,
subs. 2),
re-enacted.

- (e) The local board shall pay to the treasurer of the municipality the payments or contributions mentioned in clause *c* and the amounts deducted under clause *d* and such payments heretofore made shall be valid.

Treasurer to
receive contribu-
tions and deduc-
tions.

49.—(1) Clause *b* of paragraph 1 of section 405 of *The Municipal Act*, as re-enacted by subsection 1 of section 12 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 405,
para. 1,
cl. *b* (1941,
c. 35, s. 12,
subs. 1),
re-enacted.

- (b) A by-law shall not be passed except with, firstly, the affirmative vote of not less than three-quarters of all the members of the council, and secondly, the assent of not less than two-thirds of the electors qualified to vote on money by-laws who vote on the by-law.

(2) Paragraphs 5 and 6 of the said section 405 and the heading immediately preceding the said paragraphs are repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 405,
paras. 5, 6,
re-enacted.

Birds and Animals.

5. For regulating the keeping of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals, or kennels for the breeding or boarding of cats and dogs, within the municipality or defined areas thereof.
6. For prohibiting the keeping of domestic fowl or cattle, goats, swine, rabbits, mink, foxes or other animals, except horses or mules, within the municipality or defined areas thereof.

Regulating
the keeping of
animals
etc.

Prohibiting
keeping of
animals, etc.

(3) Paragraph 53 of the said section 405, as amended by subsection 2 of section 10 of *The Municipal Amendment Act, 1943*, and subsections 1 and 2 of section 38 of *The Municipal Amendment Act, 1944*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 405,
para. 53,
re-enacted.

Sewer
rents.

53. For charging persons who own or occupy land drained, or which by by-law is required to be drained, into a common sewer, a reasonable rent or rate in respect of the cost or use of the sewer or in respect of the collection, treatment and disposal of sewage, provided that no rent or rate in respect of the cost of a sewer shall be charged where local improvement rates for the sewer have been or are being levied.

- (a) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*.

Rev. Stat.,
c. 272.

Rev. Stat.,
c. 266, s. 405,
paras. 57, 58,
re-enacted.

- (4) Paragraphs 57 and 58 of the said section 405 are repealed and the following substituted therefor:

Removal of
snow and ice
from roofs
and side-
walks of
occupied
premises.

57. For requiring the occupants of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the roofs of such buildings and for requiring the occupants of any designated class of building in the municipality or any designated area thereof to clear away and remove snow and ice from the sidewalks on the highways in front of, alongside or at the rear of such buildings and for regulating when and the manner in which the same shall be done.

Removal
of snow and
ice from
roofs and
sidewalks of
unoccupied
premises.

58. For clearing away and removing snow and ice from the roofs of any designated class of unoccupied buildings in the municipality or any designated area thereof and for clearing away and removing snow and ice from the sidewalks on the highways in front of, alongside or at the rear of any designated class of unoccupied buildings or vacant lands at the expense of the owners and for collecting or recovering the expenses incurred in so doing in the manner provided by section 524.

Rev. Stat.,
c. 266, s. 405,
para. 68,
cl. a (1944,
c. 39, s. 38,
subs. 3),
amended.

- (5) Clause a of paragraph 68 of section 405 of *The Municipal Act*, as enacted by subsection 3 of section 38 of *The Municipal Amendment Act, 1944*, is amended by striking out the word "shall" in the first line and inserting in lieu thereof the word "may", so that the said clause shall now read as follows:

- (a) The agreement may provide that any deficit in operation shall be met by a special rate levied on all the rateable property in the defined area.

(6) The said section 405 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 405,
amended.

71. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney. Smoke
prevention.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.

(b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper for four successive weeks.

50.—(1) Paragraph 2 of subsection 1 of section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by inserting after the word "buildings" in the first line the words "or structures", so that the said paragraph shall now read as follows: Rev. Stat.,
c. 266, s. 406,
subs. 1,
para. 2
(1941,
c. 35, s. 13,
subs. 1),
amended.

2. For prohibiting the erection or use of buildings or structures, for or except for such purposes as may be set out in the by-law, within any defined area or areas or upon land abutting on any defined highway or part of a highway. Restricting
erection
or use of
buildings
and
structures.

(2) Subsection 1 of the said section 406 is further amended by adding thereto the following paragraph: Rev. Stat.,
c. 266, s. 406,
subs. 1,
(1941, c. 35,
s. 13, subs. 1),
amended.

2a. For prohibiting the erection of a building or structure for residential or commercial purposes on land where by reason of its low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive. Marshy
lands.

(3) Paragraph 3 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal* Rev. Stat.,
c. 266, s. 406,
subs. 1,
para. 3
(1941,
c. 35, s. 13,
subs. 1),
re-enacted.

Amendment Act, 1941, is repealed and the following substituted therefor:

Construction of buildings and structures.

3. For regulating the cost or type of construction and the height, bulk, location, spacing, external design, character and use of buildings or structures to be erected within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof which any building or structure may occupy.

Rev. Stat., c. 266, s. 406, subs. 1, para. 4 (1941, c. 35, s. 13, subs. 1), re-enacted.

- (4) Paragraph 4 of subsection 1 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is repealed and the following substituted therefor:

Loading space.

4. For requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law, to provide and maintain loading facilities on land that is not part of a highway.

Rev. Stat., c. 266, s. 406 (1941, c. 35, s. 13, subs. 1), amended.

- (5) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsections:

Scope of by-law.

- (1a) Any by-law passed under this section may prohibit or regulate all or any of the matters mentioned in subsection 1.

Use of maps.

- (1b) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law, and the information shown on such maps shall form part of the by-law to the same extent as if included therein.

Acquisition and disposition of non-conforming lands.

- (1c) The council may acquire any land, building or structure used or erected for a purpose which does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum prescribed for the erection of a building or structure in the defined area in which such land is situate and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality.

Rev. Stat., c. 266, s. 406, subs. 2 (1941, c. 35, s. 13, subs. 1), amended.

- (6) Subsection 2 of the said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, is amended by striking out the words "or building" in the second line and inserting in lieu thereof the words "building

or structure" and by inserting after the word "building" where it occurs in the sixth and ninth lines respectively the words "or structure", so that the said subsection shall now read as follows:

- (2) No by-law passed under this section shall apply to any land, building or structure which, on the day of the passing of the by-law, is used or erected for any purpose prohibited by the by-law, so long as it continues to be used for that purpose, nor shall the by-law apply to any building or structure the plans for which have prior to the day of the passing of the by-law been approved by the municipal architect or building inspector, so long as the building or structure when erected is used for the purpose for which it was erected.
- Excepted
land,
buildings or
structures.

- (7) Subsection 9 of the said section 406, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1943*, is amended by striking out the words "or building" where they occur in the seventh and ninth lines respectively and inserting in lieu thereof the words "building or structure", so that the said subsection shall now read as follows:
- Rev. Stat.,
c. 266, s. 406,
subs. 9
(1943,
c. 16, s. 11,
subs. 2),
amended.

- (9) Notwithstanding any other provision of this section, any by-law passed under this section or under any provision deemed to be consistent with this section by subsection 3 of section 13 of *The Municipal Amendment Act, 1941*, may with the approval of the Municipal Board be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.
- Extension
or enlarge-
ment.

- (8) The said section 406, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941*, and amended by section 11 of *The Municipal Amendment Act, 1943*, is further amended by adding thereto the following subsection:
- Rev. Stat.,
c. 266, s. 406
(1941,
c. 35, s. 13,
subs. 1),
amended.

- (9a) Where an application to the council for an amendment to a by-law passed under this section is refused or the council refuses or neglects to make a decision thereon within one month after the receipt by the clerk of the application, the applicant may appeal to the Municipal Board and the Municipal Board shall hear the appeal and dismiss the same or direct that the by-law be amended in accordance with its order.
- Appeal.

Rev. Stat.,
c. 266, s. 407,
amended.

51.—(1) Section 407 of *The Municipal Act* is amended by adding thereto the following paragraph:

Regulation,
etc., of
other heat-
ing equip-
ment.

3a. For regulating, controlling and inspecting the installation of blowers, stokers and oil or gas units in heating plants, and the storage of fuel in connection therewith.

Rev. Stat.,
c. 266, s. 407,
para. 45,
repealed.

(2) Paragraph 45 of the said section 407 is repealed.

Rev. Stat.,
c. 266, s. 407,
para. 47,
amended.

(3) Paragraph 47 of the said section 407 is amended by inserting after the word "traffic" in the third line the words "as defined in the by-law", so that the said paragraph shall now read as follows:

Regulating
traffic.

Rev. Stat.,
c. 288.

47. Subject to the provisions of *The Highway Traffic Act* for regulating traffic on the highways, and for prohibiting heavy traffic as defined in the by-law and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction.

Rev. Stat.,
c. 266, s. 407,
para. 48,
amended.

(4) Paragraph 48 of the said section 407 is amended by inserting after the word "cars" in the second line the words "or buses", so that the said paragraph shall now read as follows:

Safety
zones.

48. For setting aside and designating in a suitable visible manner, on any highway upon which street cars or buses are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

Rev. Stat.,
c. 266, s. 408,
para. 6, re-
enacted.

52. Paragraph 6 of section 408 of *The Municipal Act* is repealed and the following substituted therefor:

Measuring,
etc., cer-
tain articles.

6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.

Weighing of
fuel for
delivery
beyond
municipal
limits.

(a) A by-law passed by a municipality under this paragraph may be made applicable to the weighing of coal and other fuel to be delivered within the municipality or to a point not more than three miles beyond its limits.

- (b) A by-law passed under this paragraph may require coal and other fuel dealers to make out a ticket showing the weight or quantity of the coal or other fuel purchased after the same is weighed or measured in accordance with the by-law, and the amount so specified and the ticket shall be delivered to the purchaser.

53. Paragraph 1 of section 414 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 414,
para. 1,
re-enacted.

1. For establishing and maintaining a system for the collection, removal and disposal of garbage or of garbage and other refuse or of ashes, garbage and other refuse, and for contracting with any person for the collection, removal and disposal by him of ashes, garbage and other refuse upon such terms and conditions as may be deemed expedient, and for acquiring land within the municipality or in any adjacent municipality with the consent of the council thereof for any of the purposes of this paragraph, and for erecting and maintaining with the approval of the Department of Health such buildings, machinery and plant as may be deemed necessary for the purposes of this paragraph.

Collection,
removal and
disposal of
garbage, etc.

- (a) The corporation may borrow money for any of the purposes of this paragraph by the issue of debentures and may levy therefor in respect of any of the purposes of this paragraph on the rateable property in the municipality or in defined areas thereof.

54.—(1) Paragraphs 5 and 15 of section 423 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 423,
paras. 5, 15,
repealed.

(2) Paragraph 16 of the said section 423 is amended by inserting after the figure "4" in the second line the figures "12", so that the said paragraph shall now read as follows:

Rev. Stat.,
c. 266, s. 423,
para. 16,
amended.

16. For exercising the powers conferred on cities and towns by paragraphs 4, 12 and 13 of section 414.

Lodging
houses,
surveyors
and
engineers,
lending
libraries.

(3) The said section 423 is further amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 266, s. 423,
amended.

- 10a. For exercising all the powers conferred on urban municipalities by paragraph 42 of section 407, with respect to pits and quarries.

Pits and
quarries.

Safety
zones.

- 13a. For exercising all the powers conferred on urban municipalities by paragraph 48 of section 407, with respect to safety zones.

Rev. Stat.,
c. 266, s. 425,
para. 1,
amended.

55.—(1) Paragraph 1 of section 425 of *The Municipal Act* is amended by striking out the words “defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so” in the first, second and third lines and inserting in lieu thereof the words “the township or any defined area thereof”, so that the said paragraph shall now read as follows:

Prevention
of fires.

1. Within the township or any defined area thereof, for exercising the powers conferred on the councils of urban municipalities by paragraphs 3, 4, 5, 8, 9 and 18 to 37 of section 407.

Rev. Stat.,
c. 266, s. 425,
para. 2,
amended.

(2) Paragraph 2 of the said section 425 is amended by striking out the word “equal” in the fifth line and by striking out clause *b*.

Rev. Stat.,
c. 266, s. 425,
para. 4,
amended.

(3) Paragraph 4 of the said section 425 is amended by inserting after the word “municipality” in the second line the words “or with any person” and by inserting after the word “corporation” in the third and fourth lines the words “or person”, so that the said paragraph shall now read as follows:

Contracts
for fire
protection.

4. For entering into a contract with the corporation of an adjoining municipality or with any person for the use, service and assistance of the fire brigade and the fire apparatus and equipment of such corporation or person in the event of fire in any defined area of the township and for levying a special annual rate on all the rateable property in such area to defray the expenses incurred under and incidental to such contract.

Rev. Stat.,
c. 266, s. 425,
para. 14,
repealed.

(4) Paragraph 14 of the said section 425 is repealed.

Rev. Stat.,
c. 266,
ss. 428, 429,
repealed.

56. Section 428 of *The Municipal Act* and section 429 of *The Municipal Act*, as amended by section 10 of *The Municipal Amendment Act, 1938*, are repealed.

Rev. Stat.,
c. 266, s. 436,
amended.

57. Section 436 of *The Municipal Act* is amended by adding thereto the following paragraphs:

AUCTIONEERS.

Auctioneers.

4. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods,

wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the license shall be in force.

- (a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

BILL POSTERS.

5. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals.

- (a) A by-law of a county passed under this paragraph shall not have force in a town, village or township which has passed a by-law for a similar purpose.

- (b) A by-law passed under this paragraph may provide that no such license shall be required by a person who works only as an employee of a person licensed.

58. Section 437 of *The Municipal Act* as amended by section 31 of *The Municipal Amendment Act, 1939* and as amended by subsections 1 and 2 of section 17 of *The Municipal Amendment Act, 1943*, is repealed. Rev. Stat., c. 266, s. 437, repealed.

59. Section 439 of *The Municipal Act* is amended by adding thereto the following paragraphs: Rev. Stat., c. 266, s. 439, amended.

- 3b. For examining, licensing, regulating and governing electrical contractors, electricians, master electricians and journeyman electricians. Electrical workers.

- (a) For the purpose of this paragraph "master electrician" shall mean a person who is skilled in the planning, superintending and installing of wires, conduits, apparatus, fixtures or other "master electrician".

"journeyman electrician."

appliances for the carrying or using of electricity for light, heat or power purposes, who is familiar with the laws, rules and regulations governing the same, who has a regular place of business in the municipality and who, himself, or by journeyman electricians in his employ, performs electrical work, and "journeyman electrician" shall mean a person other than a master electrician, who has been employed in electrical installation and has acquired sufficient skill and knowledge of the trade to be considered a safe and responsible mechanic.

(b) The by-law shall not apply to the employees of a public service commission or corporation.

Installers of insulation.

3c. For licensing, regulating and governing persons who carry on the business of installing insulation in buildings, and for revoking any such license.

Fuel delivery men.

3d. For licensing, regulating and governing persons who deliver coal or other fuel and for revoking any such license.

Shoe repair shops, etc.

3e. For licensing, regulating and governing keepers of shoe repair or shoe shine shops and for revoking any such license.

Tag days.

3f. For fixing days when persons and organizations in charitable or patriotic work may solicit contributions of money from persons on the highways of the municipality.

Tourist and trailer camps.

3g. For licensing, regulating and governing tourist camps and trailer camps and for designating areas of land to be used as tourist camps or trailer camps and for prohibiting the use of other land for such purposes.

(a) In this paragraph,

(i) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

- (ii) "trailer camp" shall mean land in or upon which any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running-gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

60. Paragraph 2 of section 442 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 442, para. 2, repealed.

61. Subsection 1 of section 449 of *The Municipal Act* is amended by striking out the symbol and figures "\$500" in the twelfth line and inserting in lieu thereof the symbol and figures "\$1,000", and by striking out the words, symbol and figures "a sum not exceeding in any year \$100" in the last line and inserting in lieu thereof the words "in any year such sum as may be approved by the Department", so that the said subsection shall now read as follows: Rev. Stat., c. 266, s. 449, subs. 1, amended.

- (1) The council of every city having a population of not less than 100,000 may expend a sum not exceeding in any year twenty cents per head of its population and the council of a city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000, and the council of every township or town bordering on a city having a population of not less than 100,000 may expend a sum not exceeding in any year \$2,000, and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$1,000, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose in any year such sum as may be approved by the Department. Appropriations for publicity.

62. - (1) Section 466 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat., c. 266, s. 466, amended.

Grants in aid.

- (8) Where a county assumes a highway or bridge under this section, the town, village or township within which the highway or bridge is situate may make grants to the county in aid of the maintenance or reconstruction thereof and the maintenance of the reconstructed highway or bridge, or where the highway or bridge is relocated, in aid of the construction and maintenance of the relocated highway or bridge.

Retrospective effect.

- (2) This section shall be deemed to have had effect on and after the 11th day of August, 1944.

Rev. Stat.,
c. 266, s. 472
amended.

- 63.** Section 472 of *The Municipal Act* is amended by adding thereto the following subsection:

By-law
restricting
duty.

- (2) The council of a county may by by-law provide that the duty imposed upon the corporation by subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes less than twenty feet in width.

Rev. Stat.,
c. 266, s. 474
amended.

- 64.** Section 474 of *The Municipal Act* is amended by inserting after the word and figures "section 457" in the second line the words and figures "or subsection 2 of section 472", so that the said section shall now read as follows:

Local municipalities to erect and maintain certain bridges.

474. Where the council of a county passes a by-law under subsection 2 of section 457 or subsection 2 of section 472 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law.

Rev. Stat.,
c. 266,
ss. 504, 505,
repealed.

- 65.** Sections 504 and 505 of *The Municipal Act* are repealed.

Rev. Stat.,
c. 266, s. 507
para. 7,
amended.

- 66.—**(1) Paragraph 7 of section 507 of *The Municipal Act* is amended by adding at the end thereof the words "or for any other purpose", so that the said paragraph shall now read as follows:

Stone and
gravel pits.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils, or for any other purpose.

Rev. Stat.,
c. 266, s. 507
para. 8,
amended.

- (2) Paragraph 8 of the said section 507 is amended by adding after the word "bridges" in the sixth line the words "or for any other purpose", so that the said paragraph, exclusive of the clauses, shall now read as follows:

8. For entering upon and searching for and taking from land within the municipality or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges, or for any other purpose.

Power to enter land to take gravel, etc.

.

67. Section 525 of *The Municipal Act*, as amended by section 48 of *The Municipal Amendment Act, 1944*, is further amended by striking out the words "a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act", in the first, second and third lines and inserting in lieu thereof the words "any by-law passed under the authority of this Act is contravened", so that the said section shall now read as follows:

Rev. Stat., c. 266, s. 525, amended.

525. Where any by-law passed under the authority of this Act is contravened, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of a ratepayer or the corporation.

Power to restrain by action.

68. Section 561 of *The Municipal Act* and section 566 of *The Consolidated Municipal Act, 1903*, are repealed.

Rev. Stat., c. 266, s. 561; 1903, c. 19, s. 566, repealed.

69. This Act shall come into force on the day upon which it receives the Royal Assent.

Commencement of Act.

70. This Act shall be cited as *The Municipal Amendment Act, 1946*.

Short title.

CHAPTER 61.

An Act to amend The Municipal Drainage Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Drainage Act* is amended by adding thereto the following section: Rev. Stat., c. 278, amended.

93a. The Lieutenant-Governor in Council instead of appointing referees under section 93 may designate the Ontario Municipal Board as the referee. Municipal Board may be referee.

2. Subsection 2 of section 118 of *The Municipal Drainage Act* as amended by subsection 2 of section 22 of *The Statute Law Amendment Act, 1941*, is repealed. Rev. Stat., c. 278, s. 118, sub. 2, repealed.

3. This Act may be cited as *The Municipal Drainage Amendment Act, 1946*. Short title.

CHAPTER 62.

An Act to amend The Municipal Reforestation Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Municipal Reforestation Act* as amended by section 2 of *The Municipal Reforestation Amendment Act, 1945*, is further amended by striking out the word and letter "and c" in the third line and inserting in lieu thereof the letters and word "c, e and f", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 323, s. 3,
subs. 1,
amended.

- (1) Municipal councils of townships shall have all the powers, privileges and authority conferred by clauses *a, b, c, e and f* of section 1 on councils of counties.

Powers of
township
councils.

(2) Subsection 2 of the said section 3 is amended by striking out the symbol and figures "\$200" in the second line and inserting in lieu thereof the symbol and figures "\$1,000", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 323, s. 3,
subs. 2,
amended.

- (2) The councils of such townships shall have power and authority to levy by special rate a sum not exceeding \$1,000 in any year for the purpose of providing for the purchase of such lands.

Idem

2. This Act may be cited as *The Municipal Reforestation Amendment Act, 1946*.

Short title.

CHAPTER 63.

An Act to provide for the Establishment of the
Ontario Food Terminal.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean the Ontario Food Terminal "Board";
Board;
- (b) "fruit and produce" shall include canned foods, dairy "fruit and
products, eggs, fish, honey, maple products, poultry produce";
and vegetables;
- (c) "manager" shall mean manager appointed under this "manager";
Act;
- (d) "Minister" shall mean Minister of Agriculture; "Minister";
- (e) "regulations" shall mean regulations made under this "regula-
Act; tions";
- (f) "securities" shall include bonds, debentures and pro- "secur-
missory notes; and ities";
- (g) "Terminal" shall mean Ontario Food Terminal. "Terminal".

2.—(1) There shall be a board to be known as the Ontario Food Terminal Board which shall be a body corporate and the Ontario Food Terminal Board shall have a corporate seal in the form prescribed by the Board.
regulations.

(2) The Board shall consist of not more than seven persons Members of
appointed by the Lieutenant-Governor in Council. Board.

(3) The Lieutenant-Governor in Council may appoint one Chairman,
of the members of the Board to be chairman and one of the vice-chair-
members to be vice-chairman. man.

Quorum.

(4) A majority of the members of the Board shall constitute a quorum.

Allowances and expenses.

(5) The members of the Board shall receive such fees and expenses as the Lieutenant-Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant-Governor in Council may determine.

Officers, remuneration.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed by the regulations and fix their remuneration, and the appointment of any person as a manager or other officer shall not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees.

(2) Subject to the approval of the Board the manager of the Terminal may appoint such employees as he deems necessary and fix their salaries or other remuneration.

Objects of Board.

4.—(1) The objects of the Board shall be to,—

(a) acquire, construct, equip and operate a wholesale fruit and produce market in the County of York to be known as the Ontario Food Terminal and acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and

(b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

Power to borrow money and issue securities.

(2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

General objects and powers. Rev. Stat., c. 251.

(3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

Agreements.

5. The Board may rent space in the Terminal to such persons and upon such terms as to the Board may seem proper and may make such arrangement and enter into such agreement with any such person as it may deem advisable in the circumstances.

Guarantee by Province.

6.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to

guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council. ^{Form of guarantee.}

7. All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,— ^{Application of moneys.}

(a) operating expenses;

(b) payment of interest on indebtedness; and

(c) repayment of principal moneys borrowed,

and any surplus moneys remaining in any year after paying for operating expenses, interest on indebtedness and the repayment of any part of the principal moneys payable in that year shall be used in reducing the cost of operating the Terminal, reducing the fees, rents or other charges charged or made by the Board or for the setting up of such reserve funds as the Board may determine.

8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be. ^{Annual report of Board.}

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario. ^{Audit.}

10. The Board may be sued and may institute or defend proceedings in any court. ^{Authority to sue and be sued.}

11. The real and personal property, business and income of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board. ^{Taxation.}

Markets
in Toronto,
York and
Peel.

12. No person shall establish or operate within the City of Toronto or the Counties of York or Peel any market for the sale by wholesale of fruit and vegetables or other produce except with the approval of the Board, but this section shall not apply to any such market which is being regularly and continuously operated at the time of the coming into force of this Act so long as it is not extended or enlarged.

Regula-
tions.

13. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of the manager;
- (b) prescribing the form of the seal of the Board;
- (c) limiting or regulating the objects and powers of the Board or the exercise thereof;
- (d) prescribing the records, books and accounts to be kept by the Board;
- (e) regulating the operation and management of the Terminal; and
- (f) generally for the better carrying out of the intent and purpose of this Act.

Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Ontario Food Terminal Act, 1946*.

CHAPTER 64.

An Act to amend The Ontario Housing Act, 1919.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Housing Act, 1919*, is amended by adding <sup>1919, c. 54,
amended.</sup> thereto the following section:

27b. The Lieutenant-Governor in Council may upon such terms as he deems proper reduce the amount of any indebtedness payable under this Act and enter into agreements as to the payment of any balance, including the fixing of the rate of interest payable thereon, or may cancel the whole of any such indebtedness. <sup>Power to
reduce or
cancel in-
debtedness.</sup>

2. This Act shall come into force on the day upon which <sup>Commence-
ment of Act.</sup> it receives the Royal Assent.

3. This Act may be cited as *The Ontario Housing Amend- Short title.
ment Act, 1946.*

CHAPTER 65.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Sixty Million Dollars (\$60,000,000).

Loan of
\$60,000,000
authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Terms to be
fixed by
Lieutenant-
Governor
in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*.

Sinking
Fund.

Rev. Stat.,
c. 22.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

5. This Act may be cited as *The Ontario Loan Act, 1946*.

Short title.

CHAPTER 66.

An Act to amend The Ontario Municipal Board Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 70 of *The Ontario Municipal Board Act*, as amended by section 3 of *The Ontario Municipal Board Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 60, s. 70, subs. 1, re-enacted.

- (1) Notwithstanding the provisions of any general or special Act, a municipality shall not,— Where approval of Board required for undertaking, etc.

(a) authorize;

(b) exercise any of its powers to proceed with; or

(c) provide any moneys for,

any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is to be,—

(a) raised in a subsequent year or years; or

(b) provided by the issue of debentures,

until the approval of the Board has first been obtained.

2. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1946*. Short title.

CHAPTER 67.

An Act to amend The Temiskaming and Northern Ontario Railway Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Temiskaming and Northern Ontario Railway Act* is Rev. Stat., c. 55, title, re-enacted. amended by striking out the title thereto and substituting therefor the following: "*The Ontario Northland Transportation Commission Act.*"

2. Section 1 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor: Rev. Stat., c. 55, s. 1, re-enacted.

1. In this Act "Commission" shall mean Ontario Northland Transportation Commission. "Commission" defined.

3. Subsection 1 of section 2 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "be" in the third line the words "known as the Ontario Northland Transportation Commission and shall be", so that the said subsection shall now read as follows: Rev. Stat., c. 55, s. 2, subs. 1, amended.

(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is Commission, how composed. continued and shall be known as the Ontario Northland Transportation Commission and shall be composed of one or more persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure.

4. Section 5 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words, symbol and figures "not exceeding \$9,000" in the fourth line, so that the said section shall now read as follows: Rev. Stat., c. 55, s. 5, amended.

Travelling
expenses
and honor-
arium.

5. The chairman and each of the Commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his duties, and such salary or remuneration as the Lieutenant-Governor in Council may direct.

Rev. Stat.,
c. 55, s. 5a,
subs. 1
(1941, c. 61,
s. 1),
amended.

5. Subsection 1 of section 5a of *The Temiskaming and Northern Ontario Railway Act* as enacted by section 1 of *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*, is amended by striking out the words "Temiskaming and Northern Ontario" in the seventh and eighth lines and inserting in lieu thereof the words "Ontario Northland", so that the said subsection shall now read as follows:

Industrial
Commissioner,—
appoint-
ment of.

- (1) The Lieutenant-Governor in Council may appoint an Industrial Commissioner who shall be paid such salary or other remuneration by the Commission as may be determined by the Lieutenant-Governor in Council whose duty it shall be to assist in the promotion of industrial activity in that part of Ontario served by the Ontario Northland Railway.

Rev. Stat.,
c. 55, s. 6,
subs. 2,
amended.

6. Subsection 2 of section 6 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following clauses:

- (e) purchase or otherwise acquire, construct, complete, equip, maintain and operate hotels, tourist resorts, restaurants, boats and vessels and lines of boats and vessels;
- (f) purchase or otherwise acquire, construct, complete, equip, maintain and operate such undertakings as the Commission may deem to be for the benefit of the travelling public or the residents of that part of Ontario which may be served by the operations of the Commission.

Rev. Stat.,
c. 55, s. 8,
re-enacted.

7.—(1) Section 8 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Powers of
Commission
as to sub-
sidiary
companies.

8. Subject to the approval of the Lieutenant-Governor in Council, the Commission may purchase or otherwise acquire or promote and cause to be incorporated and organized a company or companies under any public or private Act of any province or of the Dominion of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company shall

possess and enjoy all the powers, rights, remedies and immunities conferred by law or by this Act upon the Commission.

(2) The purchase, acquisition or incorporation of any company by the Temiskaming and Northern Ontario Railway Commission prior to the coming into force of this Act is ratified, validated and confirmed. Ratification of former acts of Commission.

8. Section 8a of *The Temiskaming and Northern Ontario Railway Act* as enacted by section 2 of *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*, is amended Rev. Stat., c. 35, s. 8a (1941, c. 61, s. 2, amended.) by striking out the words "Temiskaming and Northern Ontario" in the tenth and eleventh lines and inserting in lieu thereof the words "Ontario Northland", so that the said section shall now read as follows:

8a. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement Agreement with Nipissing Central Railway Company. with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing may operate the said railway and its undertakings in the same manner and subject to the said agreement to the same extent as if such railway and undertakings formed part of the Ontario Northland Railway.

9. Section 12 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "Subject to the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the said section shall now read as follows: Rev. Stat., c. 55, s. 12, amended.

12. The Commission may operate the railway or any section thereof by electricity or by any other motive power. Motive power.

10. Subsection 2 of section 13 of *The Temiskaming and Northern Ontario Railway Act* is repealed. Rev. Stat., c. 55, s. 13, subs. 2, repealed.

11. Section 15 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "or works" in the second line and inserting in lieu thereof the words "boats, vessels, works or other property", so that the said section shall now read as follows: Rev. Stat., c. 55, s. 15, amended.

15. The Commission may sell or otherwise dispose of any motor vehicles, aeroplanes, equipment, boats, vessels, works or other property as may from time to time be found superfluous or unfit for the purposes of the Commission. Power to sell or dispose of motor vehicles, etc.

Rev. Stat.,
c. 55, s. 20,
amended.

12. Section 20 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the fourth and fifth lines, so that the said section shall now read as follows:

Security
for safe-
keeping of
funds.

20. Security shall be given by any person entrusted by the Commission with the custody and control of money by virtue of his employment, in such manner and to such amount as may be prescribed by the Commission.

Rev. Stat.,
c. 55, s. 22,
amended.

13. Section 22 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "may" in the fifth line the words "purchase or otherwise acquire or", so that the said section shall now read as follows:

Approval of
Lieutenant-
Governor in
Council.

22. Wherever in this Act the approval or consent of the Lieutenant-Governor in Council is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may purchase or otherwise acquire or cause to be incorporated providing the approval or consent of the Lieutenant-Governor in Council is obtained.

Rev. Stat.,
c. 55, s. 30,
subs. 1,
amended.

14.—(1) Subsection 1 of section 30 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "company" where it occurs the second time in the fourth line the words "purchased or otherwise acquired or", so that the said subsection shall now read as follows:

Holding
shares.

(1) The Commission, and any or all of the Commissioners or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company heretofore acquired or of any company purchased or otherwise acquired or caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario and may exercise all the rights of shareholders in respect of the shares so held by them.

Rev. Stat.,
c. 55, s. 30,
subs. 4, 5,
re-enacted.

(2) Subsections 4 and 5 of the said section 30 are repealed and the following substituted therefor:

Guarantee-
ing con-
tracts.

(4) The Commission may guarantee the performance of any or all obligations and undertakings of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission and may guarantee

the repayment of any advances made to any such company for the purposes of its obligations and undertakings or any of them, but no such guarantee shall be made either for the performance of obligations for construction or the repayment of moneys in respect of obligations for construction until such guarantee has been authorized by the Lieutenant-Governor in Council.

- (5) The Commission, with the approval of the Lieutenant-Governor in Council, may advance to any company purchased or otherwise acquired or caused to be incorporated by the Commission, such sums as may be required for the obligations and undertakings of the company.
- Commission authorized to advance funds to subsidiaries.

15. Section 33 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "Temiskaming and Northern Ontario Railway Account" in the first and second lines and inserting in lieu thereof the words "Ontario Northland Transportation Commission Account", so that the said section shall now read as follows:

Rev. Stat., c. 55, s. 33, amended.

33. An account to be called the "Ontario Northland Transportation Commission Account" shall be kept by the Treasury Department of all payments out of the Consolidated Revenue Fund and of moneys received from the Commission in repayment of any indebtedness incurred by the Commission.
- Special account in books of Treasury Department.

16. The undertaking of the Commission heretofore known as the Temiskaming and Northern Ontario Railway shall hereafter be known as the Ontario Northland Railway.

Ontario Northland Railway.

17. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

18. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1946*.

Short title.

CHAPTER 68.

An Act to amend The Optometry Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Optometry Act*, as amended by section 2 of *The Optometry Amendment Act, 1944*, is further amended by adding thereto the following clause: Rev. Stat., c. 246, s. 3 subs. 1, amended.

(ee) fixing the remuneration of the members of the Board and providing for the payment of necessary expenses of the Board in the conduct of its business.

2. Clause *a* of section 6 of *The Optometry Act* is amended by striking out the words and figures "1st day of November, 1919" in the first line and inserting in lieu thereof the words and figures "8th day of April, 1936", so that the said clause shall now read as follows: Rev. Stat., c. 246, s. 6, cl. a, amended.

(a) on the 8th day of April, 1936, was carrying on business as an optometrist or optician in Ontario.

3. This Act may be cited as *The Optometry Amendment Act, 1946*. Short title.

CHAPTER 69.

The Parole Act, 1946.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) "Board" shall mean Board of Parole;

"Board";

(b) "parole officer" shall include the Chief Parole Officer;

"parole
officer";

(c) "prisoner" shall mean,

"prisoner";

(i) a person convicted of an offence against a statute of Ontario or against a municipal by-law and sentenced to an indeterminate sentence, and

(ii) a prisoner referred to in section 43 of the *Prisons and Reformatories Act* (Canada) and sentenced to an indeterminate sentence;

R.S.C.,
c. 163.

(d) "regulations" shall mean regulations made under this Act; and

"regula-
tions";

(e) "secretary" shall mean secretary of the Board.

"secretary".

R.S.O. 1937, c. 397, s. 1, *amended*.

2. There shall be constituted a board to be known as the Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 397, s. 2, *part, amended*.

Board of
Parole
established.

3.—(1) The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof. R.S.O. 1937, c. 397, s. 3 (1), *amended*.

Chairman.

(2) Three members of the Board shall form a quorum. R.S.O. 1937, c. 397, s. 3 (2).

Quorum.

Appoint-
ment of
secretary,
Chief Parole
Officer and
assistants.

4. The Lieutenant-Governor in Council may appoint a secretary of the Board, a Chief Parole Officer and such parole officers as he may deem necessary. R.S.O. 1937, c. 397, s. 3 (1), *part*; s. 4, *amended*.

Salaries of
chairman,
secretary
and parole
officers.

5.—(1) The chairman of the Board, the secretary and the parole officers may be paid such salary as may be determined by the Lieutenant-Governor in Council. R.S.O. 1937, c. 397, ss. 5, 6, *amended*.

Allowances
for Board
members.

(2) The members of the Board other than the chairman shall serve without salary but the Lieutenant-Governor in Council may fix a per diem allowance to be payable to the members for their attendance at the meetings of the Board or for other attendances in connection with the transaction of any business of the Board. R.S.O. 1937, c. 397, s. 7, *part*, *amended*.

Travelling
and living
expenses.

(3) The chairman and members of the Board, the secretary and the parole officers shall be entitled to reasonable and necessary travelling and living expenses while absent from home on the business of the Board as certified by the chairman of the Board. R.S.O. 1937, c. 397, s. 7, *part*, *amended*.

Payment out
of appro-
priations.

(4) All such salaries, remuneration, allowances, travelling and living expenses and all other expenses of the Board shall be paid out of such moneys as may be appropriated by the Legislature for the general purposes of the Board. R.S.O. 1937, c. 397, s. 8, *amended*.

Release of
prisoners
on parole.

6. Subject to the regulations the Board may order the release on parole of any prisoner,—

(a) in the case of a prisoner referred to in subclause i of clause *c* of section 1, upon such conditions as the Board may deem proper; and

(b) in the case of a prisoner referred to in subclause ii of clause *c* of section 1, upon conditions approved by the Minister of Justice under section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1937, c. 397, s. 10, *amended*.

R.S.C.,
c. 163.

Re-taking
prisoners
on breach
of conditions
of parole.

7. In the case of prisoners referred to in subclause i of clause *c* of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by a parole officer or by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled. R.S.O. 1937, c. 397, s. 11, *amended*.

8. It shall be the duty of the Board to assist prisoners on parole in securing employment with trustworthy persons and in this manner to ensure as far as possible the success of the parole system. R.S.O. 1937, c. 397, s. 12. Assistance to prisoners.

9. It shall be the duty of every public officer or other person having information or having access to any information bearing upon the fitness of a prisoner to be paroled, to make such return in writing to the Board as may be required by the regulations. R.S.O. 1937, c. 397, s. 13. Returns.

10. The Board shall in each year, on or before the 30th day of June, make a report in writing to the Lieutenant-Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1937, c. 397, s. 14, *amended*. Annual report of Board.

11. Nothing in this Act contained shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor-General of Canada or the Lieutenant-Governor of Ontario to grant a reprieve, pardon, or commutation of sentence in any case. R.S.O. 1937, c. 397, s. 15. Pardoning powers not affected.

12.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,— Regulations.

- (a) defining the duties, powers and responsibilities of the Board, the Chief Parole Officer, parole officers and the secretary of the Board;
- (b) defining the conditions under which a prisoner may be paroled;
- (c) prescribing the powers of the Board in dealing with a prisoner on parole who fails to comply with the terms upon which he has been paroled;
- (d) prescribing the form of returns to be made by public officers and other persons containing information as to the antecedents of any prisoner;
- (e) generally for the better carrying out of the provisions of this Act.

(2) Such of the regulations as are approved by the Minister of Justice shall have force and effect as to prisoners referred to in section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1937, c. 397, s. 9, *amended*. Approval by Minister of Justice. R.S.C., c. 163.

13. *The Parole Act* is repealed.

Rev. Stat., c. 397, repealed.

Commence-
ment of Act.

14. This Act shall come into force on the 1st day of July, 1946.

Short title.

15. This Act may be cited as *The Parole Act, 1946*.

CHAPTER 70.

An Act to amend The Pharmacy Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Pharmacy Act* is amended by striking out the word "third" in the third line and inserting in lieu thereof the word "first", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 9, subs. 1, amended.

- (1) The Council shall hold at least two meetings for the transaction of general business in every year, on the first Monday in June and the first Monday in November, at such place as they may by resolution appoint. Meetings of the Council.

2. Subsection 2 of section 11 of *The Pharmacy Act* is amended by striking out the symbol and figures "\$10" in the second line and inserting in lieu thereof the symbol and figures "\$20", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 11, subs. 2, amended.

- (2) Not more than five cents per mile for travelling expenses, or more than \$20 per diem for such days as a member is in actual attendance at a meeting of the Council, or at any meeting mentioned in subsection 3 or upon the business of the College including going to and returning therefrom, shall be allowed to him for such expenses and remuneration. Allowances to members.

3. Subsection 1 of section 20 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 20, subs. 1, re-enacted.

- (1) There shall be payable to the Registrar for the use of the College,—

- (a) by every person before he shall be entered upon the register such sum not exceeding \$25 as may be determined by the by-laws of the Council;

- (b) on such day in each year as the Council may fix by by-law by every person registered and practising his profession as a pharmaceutical chemist as owner or manager of the business of a pharmaceutical chemist or as manager of a dispensary, such sum not exceeding \$15 as may be determined by by-law of the Council; and
- (c) on such day in each year as the Council may fix by by-law by every registered pharmaceutical chemist, who is a director of an incorporated company carrying on the business of a pharmaceutical chemist, in addition to the sum paid under clause b, such sum not exceeding \$15 as may be determined by by-law of the Council.

Fees for
additional
stores.

- (1a) Where a person or incorporated company carries on business in more than one shop, such person or such incorporated company shall pay at the same time a further sum not exceeding \$15 as provided by by-law of the Council for each additional shop.

Certificate.

- (1b) Every person and incorporated company upon payment of the above fees shall be entitled to receive a certificate of such payment in the form prescribed by the Council.

Rev. Stat.,
c. 228, s. 28,
amended.

4. Section 28 of *The Pharmacy Act* is amended by striking out the words "and unless one of such directors personally manages and conducts such open shop, and has his name and certificate displayed in a conspicuous position therein" in the third, fourth, fifth and sixth lines, so that the said section shall now read as follows:

Shops kept
by incor-
porated
companies.

28. No incorporated company shall do any of the acts prohibited by section 27 unless the majority of the directors thereof are duly registered under this Act, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others.

Rev. Stat.,
c. 228, s. 31,
amended.

5. Section 31 of *The Pharmacy Act* is amended by striking out the words "such resolution and the approval thereof shall be published in the *Ontario Gazette*, and on the expiration

of one month from such publication" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*", so that the said section shall now read as follows:

31. The articles mentioned in Schedule C shall be deemed to be poisons within the meaning of this Act, and the Council may by resolution declare that any article in the resolution named ought to be deemed a poison within the meaning of this Act, and thereupon the Council shall submit the resolution for the approval of the Lieutenant-Governor in Council, and if approved, and on the expiration of one month from publication in accordance with the provisions of *The Regulations Act, 1944*, the article named in the resolution shall be deemed to be a poison within the meaning of this Act, and the same shall be subject to the provisions thereof, or such of them as may be directed by the Lieutenant-Governor in Council.
- Certain articles to be deemed poisons.
1944, c. 52.

6. Subsection 2 of section 33 of *The Pharmacy Act* is amended by striking out all the words after the word "publication" in the fourth line and inserting in lieu thereof the words "thereof in accordance with the provisions of *The Regulations Act, 1944*", so that the said subsection shall now read as follows:

Rev. Stat., c. 228, s. 33, subs. 2, amended.

- (2) The Lieutenant-Governor in Council may amend Schedule D by adding any article thereto or striking any article therefrom, but no such amendment shall come into force until thirty days after the publication thereof in accordance with the provisions of *The Regulations Act, 1944*.
- Amendment to Schedule D.
1944, c. 52.

7. This Act may be cited as *The Pharmacy Amendment Act*, 1946.

Short title.

CHAPTER 71.

An Act respecting Planning and Development.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "council" shall mean council of a municipality or board of trustees of an improvement district;
- (b) "designated municipality" shall mean municipality designated by the Minister to formulate the official plan;^{"designated municipality";}
- (c) "housing project" shall mean a project designed to furnish housing accommodation together with any public space, recreational facilities and commercial space or buildings appropriate thereto;^{"housing project";}
- (d) "local board" shall mean school board, public utility commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;^{"local board";}
- (e) "Minister" shall mean Minister of Planning and Development;^{"Minister"}
- (f) "municipality" shall mean city, town, village, township or improvement district;^{"municipality";}
- (g) "official plan" shall mean a plan consisting of maps and explanatory texts prepared and recommended by the planning board and adopted and approved^{"official plan";}

as provided in this Act, covering a planning area, and showing a programme of future development, including the regulation of the use of land, buildings and structures or the location of buildings and structures in the planning area and any other feature designed to secure the health, safety, convenience and welfare of the inhabitants;

"planning area";

(h) "planning area" shall mean an area comprising the whole or part of one or more municipalities as defined by the Minister;

"public work";

(i) "public work" shall mean any municipal undertaking or improvement of a structural nature that is within the jurisdiction of the council or any local board;

"urban development area".

(j) "urban development area" shall mean an area of land designated for urban development.

Establishment of planning areas.

2.—(1) Where a council is desirous of having an official plan, it shall make application to the Minister who may define and name a planning area.

Idem.

(2) Where the planning area covers more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and the scope and general purpose thereof.

Subsidiary planning areas.

(3) Where the council of a municipality within a planning area is desirous of having an official plan for local purposes, the Minister may define a subsidiary planning area.

Matters to be regarded.

(4) In defining the scope and general purpose of the official plan the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services.

Appointment of planning boards.

3. When the planning area is defined, the council shall appoint the planning board, and where the planning area covers more than one municipality, the council of the designated municipality shall, subject to the approval of the Minister, appoint the planning board.

Composition of planning boards.

4.—(1) Where the planning area consists of more than one municipality, the planning board shall be a body corporate consisting of three, six or nine members, a majority of whom shall not be members of a municipal council, and the head of the council of the designated municipality may be appointed as a member *ex officio*.

Idem.

(2) Where the planning area consists of one municipality only, the planning board shall be a body corporate consisting

of three, six or nine members who are not members of the council or employees of the municipality or a local board, and in addition there may be one member appointed from year to year from the council for every three members appointed as aforesaid, and the head of the council may be appointed from year to year as a member *ex officio*.

(3) Where the head of the council is a member of the planning board, he may with the approval of the council appoint a substitute to act for him from time to time. Substitute for head of council.

(4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council shall designate one-third of the members who shall hold office for one year and one-third who shall hold office for two years and one-third who shall hold office for three years. Term of office. Proviso.

(5) The members of the planning board shall hold office until their successors are appointed and shall be eligible for re-appointment. Re-appointment.

(6) Where a member ceases to be a member of the planning board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. Vacancies.

(7) Two members or one-third of the members of the planning board, whichever is greater, shall constitute a quorum. Quorum.

(8) The planning board shall elect a chairman and a vice-chairman who shall preside in the absence of the chairman. Officers.

(9) The planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is deemed expedient. Secretary-treasurer, employees, consultants.

5. The execution of documents by the planning board shall be evidenced by the signature of the chairman or the vice-chairman and of the secretary-treasurer and the corporate seal of the board. Execution of documents.

6. The planning board shall submit annually to the council an estimate of its expenditures for the ensuing year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time. Finances.

7. The planning board shall investigate and survey the physical, social and economic conditions in relation to the development of the municipality. Duties of planning boards.

development of the planning area and perform such other duties of a planning nature as may be referred to it by the council, and without limiting the generality of the foregoing it shall,—

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan of the planning area and recommend it to the council for adoption;
- (e) recommend from time to time to the council the implementation of any of the features of the official plan.

Plan to be submitted to council.

8.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council.

Adoption of plan.

(2) The council may adopt the plan by a vote of the majority of all the members.

Plan to be submitted to Minister.

9.—(1) Upon adoption the plan shall be submitted by the council to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and where the planning area consists of more than one municipality, the Minister shall refer the plan to the council of every municipality in the planning area, and if modifications appear desirable, settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly.

Approval by Minister.

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area.

Lodging of official plan

10.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the board in the office of the Minister and in the office of the clerk of every municipality within the planning area, and shall be available at such places for public inspection during office hours.

(2) At least two, or as many as may be required, duplicate idem. originals of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where they shall be made available to the public as productions.

11. The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions Alterations and additions. thereto.

12. Notwithstanding any other Act, where an official plan Public works to conform with official plan. is in effect, no public work that does not conform therewith shall be undertaken, except with the approval of a two-thirds affirmative vote of all the members of the council of the municipality in which the public work is to be undertaken.

13. Where there is conflict between an official plan and a Conflict. by-law passed under section 406 of *The Municipal Act*, the Rev. Stat., c. 266. official plan shall prevail.

14. Where lands, buildings or structures are used or Right to restrain. buildings or structures are located in contravention of the official plan or the official plan is contravened in any other manner, in addition to any other remedy or penalty provided by law, such contravention may be restrained by action at the instance of the planning board or a ratepayer of the municipality in which the contravention took place.

15.—(1) For the purpose of developing any feature of the official plan a municipality, with the approval of the Minister, Acquisition of lands for official plan purposes. may at any time and from time to time,—

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held when no longer required.

(2) For the purpose of developing any feature of the official plan a designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area, and in such case any municipality within the planning area may contribute to the cost of acquiring such land for such purpose. Acquisition of lands for official plan purposes by designated municipalities.

16.—(1) For the purpose of a housing project a municipality, with the approval of the Minister, may,— Acquisition of lands for housing projects.

- (a) acquire land within the municipality;

- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.

Acquisition of lands in adjacent municipalities for housing projects.

(2) For the purpose of a housing project a municipality, with the approval of the council of the municipality in which the land is situate and the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land in any adjacent municipality.

Rev. Stat., c. 266, to apply.

17. The provisions of *The Municipal Act* shall apply to the acquisition of land under section 15 or 16.

Power to clear, grade, etc., lands acquired.

18. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of lands.

19. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Power to erect, etc., housing projects.

20. To relieve the existing emergency in housing conditions a municipality, with the approval of the Minister, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality.

Power to share capital and maintenance cost of housing projects.

21. A municipality, with the approval of the Minister may enter into agreements with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of housing projects.

Agreements to maintain land uses surrounding housing projects.

22. A municipality, with the approval of the Minister, may enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding the project will be maintained for the period specified in the agreement.

Urban development areas.

23.—(1) The council may by by-law designate any area within the municipality as an urban development area and thereupon no parcel of land within the area shall be divided for sale or sold in part or agreed to be sold in part unless the land is shown on a registered plan of subdivision.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and in the proper registry office where the same shall be made available to the public as productions.

Lodging of
copies of
urban de-
velopment
area by-laws.

(3) When an area is designated as an urban development area it shall not be altered or dissolved without the approval of the Minister.

Approval of
Minister to
alteration,
etc., of
urban de-
velopment
areas.

(4) Every person who divides for sale, sells in part or agrees to sell in part land in contravention of this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*.

Penalty.

Rev. Stat.,
c. 136.

24.—(1) The Minister, with respect to any land in Ontario that is not covered by an official plan or is not within the scope of a by-law passed under section 406 of *The Municipal Act*, may by order,—

Power of
Minister
to zone.
Rev. Stat.,
c. 266.

(a) without the approval of the Ontario Municipal Board, exercise any of the powers conferred upon councils by the said section 406; or

(b) exercise the powers conferred upon councils by this Act to designate an urban development area.

(2) The Minister may give notice of any such order in such manner as he deems expedient.

Notice.

25.—(1) Every person desiring to subdivide land into lots for the purpose of sale shall forward at least four, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval to the Minister and shall, unless the land is situate in unorganized territory, forward two copies of such plan,—

Applications
for approval
of subdivi-
sion plans.

(a) where the land is not situate within a planning area, to the council of the municipality in which the land is situate;

(b) where the land is situate within a planning area, to the planning board; or

(c) where the land is situate within a subsidiary planning area, to each planning board.

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,—

What draft
plan to
indicate.

- (a) the locations, widths and names of proposed high ways;
- (b) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and where the adjoining land is not subdivided, the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (c) the purpose for which the lots are to be used;
- (d) the nature of the existing uses of adjoining land;
- (e) the approximate dimensions and layouts of the proposed lots;
- (f) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (g) the availability and nature of domestic water supplies;
- (h) the nature and porosity of the soil;
- (i) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land; and
- (j) the municipal services available or to be available to the land proposed to be subdivided.

Minister
to confer.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements.

What
matters to
be regarded.

(4) In considering a draft plan of subdivision regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following,—

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the subdivision is premature or necessary in the public interest;

- (c) the suitability of the land for the purposes for which it is being subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services; and
- (i) the area of land, if any, within the subdivision that, exclusive of highways, is to be dedicated for public purposes.

(5) Upon settlement of the draft plan, the Minister may give his approval thereto.

Approval of draft plan by Minister.

(6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act*, *The Registry Act* or *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

When draft plan approved.
Rev. Stat.,
c. 232,
170, 174.

(7) Upon presentation by the person desiring to subdivide the Minister may, if satisfied that the plan is in conformity with the approved draft plan, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Approval of plan by Minister.

(8) A true copy of every plan of subdivision as registered shall be lodged by the person who tendered it for registration in the office of the Minister, and when the land subdivided is in a planning area, with the secretary-treasurer of the planning board.

Lodging of copies.

26. Every lot laid out on a plan of subdivision shall front or abut on a public highway.

Lots to front or abut highways.

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*.

Penalty for certain land sales.

Rev. Stat.,
c. 136.

Reference
to Municipal
Board.

28. Where under this Act the approval of the Minister is required, the Minister may, and upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval of the Board shall have the same force and effect as if it were the approval of the Minister.

Rev. Stat.,
c. 270,
repealed,—
prospective
effect.

Proviso.

29. The urban zones under *The Planning and Development Act* shall remain subject to the provisions of the said Act for a period of one year from the day upon which this Act comes into force, provided that if during such year any part of an urban zone is brought within a planning area, the said Act shall cease to apply to such zone and provided that during such year the provisions of this Act with respect to subdivision plans shall apply whether or not the land subdivided is in an urban zone, but in all other respects *The Planning and Development Act* shall cease to have any force or effect from the day on which this Act comes into force and shall be repealed one year after such day.

Commence-
ment of Act.

30. This Act shall come into force on the day upon which it receives the Royal Assent and the provisions thereof with respect to housing projects shall be deemed to have come into effect on the 1st day of January, 1942.

Short title

31. This Act may be cited as *The Planning Act, 1946*.

CHAPTER 72.

The Police Act, 1946.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

(a) "board" shall mean board of commissioners of police; "board";

(b) "Commissioner" shall mean Commissioner of Police for Ontario; and "Commissioner";

(c) "regulations" shall mean regulations made under this Act. "regulations";

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and every town shall be responsible for the policing of and maintenance of law and order in the municipality and for the appointment and remuneration of an adequate number of constables in accordance with the police needs of the municipality. Policing in cities and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part thereof, as the case may be, be responsible for the policing and maintenance of law and order and for the appointment and remuneration of an adequate number of constables in accordance with the police needs thereof. in villages and townships.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney-General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 39. *New.* Special circumstances.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario which is not within the Ontario Provincial Police Force. Responsibility of Ontario Provincial Police Force.

within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a police force is maintained whether such police force is maintained by a county, village, township or police village other than one which is maintained for the purpose of enforcing municipal by-laws.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

(a) patrol and enforce all laws on the King's Highways;

(b) aid local police at the request of the Crown attorney for the county or district;

1946, c. 47.

(c) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney-General;

Rev. Stat.,
c. 294.

(d) maintain a criminal investigation branch which shall be used to assist municipal police on the direction of the Attorney-General or at the request of the Crown attorney for the county or district.

Municipali-
ties to
comply with
regulations.

4. Every municipality mentioned in section 2 and every other municipality which maintains its own police force shall comply in all respects with the requirements and provisions of the regulations applicable to such police force.

Non-com-
pliance with
regulations.

5.—(1) Where the Commissioner reports to the Attorney-General that a municipality mentioned in section 2, or any other municipality which maintains its own police force, is not, in the maintenance of such police force, complying with the requirements of this Act and the regulations, the Attorney-General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith.

Action by
Attorney-
General.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney-General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant at any time payable out of provincial funds to the municipality.

PART II.

MUNICIPAL POLICE FORCES.

6.—(1) Notwithstanding the provisions of any special Act, every city shall, and any township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board of commissioners of police, 1938, c. 23, s. 4, *part*; 1943, c. 16, s. 7. Constitution of boards of commissioners of police.

(2) The board shall, except as provided in subsection 3, consist of,— Board, how composed.

- (a) the head of the council;
- (b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and
- (c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

(3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney-General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. Vacancies.

7.—(1) The board shall in each calendar year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman. Meetings.

(2) A majority of the members of the board shall constitute a quorum. Quorum.

(3) The meetings of the board shall be open to the public unless otherwise directed by the board. Meetings open to public.

8. The by-law of a village, township, county or town passed pursuant to subsection 1 of section 6 may, with the consent of the Attorney-General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1938, c. 23, s. 4, *part*; 1944, c. 39, s. 30 (2). *Amended.* Repeal of by-law.

9.—(1) A by-law of the board shall be sufficiently authen- By-law

icated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified
copy of
by-law.

(2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. R.S.O. 1937, c. 266, s. 367.

Board to
summon
witnesses.

10. The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. R.S.O. 1937, c. 266, s. 368.

Notice
served.

11. It shall be the duty of every person served with a notice to attend before the board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. R.S.O. 1937, c. 266, s. 369.

Police
force.

12. The police force in a municipality having a board of commissioners of police shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but not fewer than the board reports to be required. 1944, c. 39, s. 31, *amended*.

Term of
office.

13. The members of the police force shall be appointed by and hold office during the pleasure of the board, and shall take and subscribe an oath similar to that set out in subsection 1 of section 40. R.S.O. 1937, c. 266, s. 371.

Board may
make regu-
lations.

14. The board may make regulations not inconsistent with regulations under section 43 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. R.S.O. 1937, c. 266, s. 372, *amended*.

Police force
subject to
board.

15.—(1) The members of the police force shall be subject to the government of the board and shall obey its lawful directions.

Constables
to be
subject to
board.

(2) Every constable, however appointed, for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. R.S.O. 1937, c. 266, s. 373, *amended*.

Sale of
stolen and
abandoned
property
in possession
of police.

16.—(1) Where any motor vehicle, bicycle or any personal property of any kind whatsoever is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found

abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

(2) When such property is perishable the sale or disposition of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

Procedure
for sale.

(3) This section shall be subject to the provisions of *The Highway Traffic Act*. R.S.O. 1937, c. 266, s. 374.

Rev. Stat.,
c. 288, not
affected.

17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year and to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the force. R.S.O. 1937, c. 266, s. 375 *part*.

Submission
of estimates
to council.

18. The council shall provide for the payment of a reasonable remuneration to the members of the board designated by the Lieutenant-Governor in Council and may provide for the payment of an allowance to the head of the council. 1938, c. 23, s. 4, *part, amended*.

Remunera-
tion.

APPOINTMENT BY MUNICIPAL COUNCIL.

19. It shall be lawful for the council of every town not having a board and the council of every village not having a board to appoint one chief constable and one or more constables. R.S.O. 1937, c. 266, s. 376; 1944, c. 39, s. 32, *amended*.

Towns and
villages,
where no
board.

20.—(1) The trustees of a police village may appoint one or more constables for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Appoint-
ment of
constables.

(2) Every constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

Salary.

When fees of constable to belong to village.

(3) Where a constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, accoutrements, clothing and other things for the accommodation, use and maintenance of the constable or constables. R.S.O. 1937, c. 266, s. 545; 1941, c. 35, s. 20.

County and township constables.

21. It shall be lawful for the council of a county not having a board and of a township not having a board to appoint one chief constable and one or more constables. 1939, c. 30, s. 21, *amended*.

Defined section or area.

22. The cost of policing any defined section or area of a township may, if the council deems proper, be paid by a rate levied on such section or area. *New*.

Salary and remuneration.

23. The council by which a chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine. R.S.O. 1937, c. 266, s. 380.

Fees of salaried constable.

24. The council may agree with a salaried constable appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. R.S.O. 1937, c. 266, s. 381.

Indemnifying police officers,—

25.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered.

in municipality having board of police commissioners.

(2) In a municipality having a board of commissioners of police such sum shall only be paid where the board certifies that the case is a proper one for such payment or indemnity. R.S.O. 1937, c. 266, s. 375 (2), *amended*.

Aid to widows and children in certain cases.

26. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. R.S.O. 1937, c. 266, s. 375 (3), *amended*.

Power of suspension.

27.—(1) Where there is no board of commissioners of police the head of the municipality or a magistrate may suspend any police officer from office for any period and may

appoint another person to such office during such period, and if he considers the suspended officer deserving of dismissal, he shall immediately after suspending him so report to the council and the council may dismiss such officer or may direct that he be restored to his office after the period of suspension has expired.

(2) Except with the written permission of the head of the municipality or the magistrate who suspended him, an officer, during suspension, shall not act as such or be entitled to any salary or other remuneration. 1944, c. 39, s. 34. Where officer suspended.

PART III.

ONTARIO PROVINCIAL POLICE FORCE.

28.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. Appointment of Commissioner of Police.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all the officers, members, clerks and employees of the said Force shall be responsible to the Attorney-General and shall perform such duties and exercise such powers as may be prescribed by the regulations. Powers and duties of Commissioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. R.S.O. 1937, c. 140, s. 30, *amended*. Investigations by Commissioner.
Rev. Stat., c. 19.

29.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed. Commissioner to be *ex officio* Magistrate.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. R.S.O. 1937, c. 140, s. 31. Exercise of jurisdiction.
Rev. Stat., c. 133.

Ontario
Provincial
Police
Force

30.—(1) There shall be a force of constables to be known as the Ontario Provincial Police Force.

Members of
Force to be
deemed
provincial
constables.

(2) The Ontario Provincial Police Force shall consist of such officers, constables, technicians, clerks, mechanics and other members as may be prescribed by the regulations and every officer and member of the said Force shall have authority to act as a constable throughout Ontario and shall be deemed to be a provincial constable.

Appoint-
ment of
officers and
clerical staff.

(3) In addition to the officers hereinbefore mentioned, the Lieutenant-Governor in Council may appoint such other officers and such officers, clerks and servants of the Ontario Provincial Police Force as may be deemed advisable.

Granting
powers of
provincial
constable
to other
persons.

(4) The Lieutenant-Governor where he deems proper may authorize any person not a member of the Ontario Provincial Police Force to exercise the powers of a provincial constable. R.S.O. 1937, c. 140, s. 32.

Duties of
members of
Force.

31.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to the other provisions of this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the apprehension of criminals and offenders and others who may be lawfully taken into custody;
- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

Ontario
Provincial
Police Force
not to be
charged with
duties under
municipal
by-laws.

(2) Except under the provisions of an agreement entered into under the provisions of section 39 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. *New.*

32. (1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of the Province of Ontario or the Dominion of Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the said Fund from time to time shall be made under the direction of the Attorney-General to such officers and persons and for such purposes as he may think proper, to be expended in such law enforcement, including the salaries and expenses of the officers, members and clerks of the Ontario Provincial Police Force.

(2) The certificate or order of the Attorney-General that any sum of money is required to be paid out of the said Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney-General whose approval of the account shall be final.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney-General, he shall be allowed such travelling, incidental and other expenses as the Attorney-General may approve and they shall be paid out of the said Fund. R.S.O. 1937, c. 140, s. 34.

33.—(1) Where the Crown attorney of any county or the board, if any, and if none, the council of a municipality requests the services of a member of the Ontario Provincial Police Force in any municipality or part thereof referred to in section 2 the expenses of any member of such Force furnished in compliance with such request shall be certified by the Crown attorney or Commissioner and the amounts so certified shall be paid by such municipality to the Treasurer of Ontario. R.S.O. 1937, c. 140, s. 35 (1); 1938, c. 6, s. 2, *amended*.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. R.S.O. 1937, c. 140, s. 35 (2).

PART IV.

GENERAL.

Constables
empowered
to act
throughout
Ontario.

34. Every constable and every other police officer appointed under the provisions of this Act or of any other Act of this Legislature shall have authority to act as a constable throughout Ontario to arrest any person who has committed or whom such constable suspects of having committed an offence,—

(a) in the case of a member of a municipal police force, within the municipality for which he is constable; and

(b) in the case of a member of the Ontario Provincial Police Force, anywhere in Ontario. 1939, c. 8, s. 1, *amended*.

Duties and
powers of
members of
police forces.

35. The members of police forces appointed under this Act shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities which belong to constables. R.S.O. 1937, c. 266, s. 379; R.S.O. 1937, c. 140, s. 10, *amended*.

Investigation
and
report by
Commissioner.

36.—(1) The Attorney-General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney-General upon the conduct of any constable, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

(a) at the request of the council of any municipality, in which case the municipality shall pay the cost of such investigation; or

(b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund.

Powers of
investigator.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney-General to the council of such municipality.

Report to be communicated to council.

(4) In this section "constable" shall include a chief constable, special constable and all members of every rank of a municipal police force, and every constable appointed under the provisions of any Act of this Legislature. 1939, c. 8, s. 3.

"Constable",—meaning of.

37. The obligation of a municipality to appoint constables in accordance with the needs thereof may be discharged by entering into an agreement under the provisions of section 38 or 39. *New.*

Obligation of municipality to appoint constables.

38. The Board, if any, and if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of such city provide that the services of officers and constables of the police force of such city shall be available in such municipality on such terms and conditions as may be set forth in the agreement, and when any such agreement is entered into and the services in such municipality of any of the officers or constables of the police force of such city are availed of, such officers and constables shall for all purposes have and possess and may exercise and perform in the municipality all their powers and duties as members of the police force of the municipality and with the same rights, privileges and immunities as if they had been appointed as members of the police force of such municipality, and the board of a city shall have power to enter into agreements under the authority of this section. R.S.O. 1937, c. 266, s. 383, *amended.*

Officers and constables,—agreement as to services.

39.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force.

Agreement for Ontario Provincial Police Force to police municipalities.

(2) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Duties.

(3) The moneys received from a municipal corporation or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1944, c. 39, s. 35, *amended.*

Moneys to be paid into Consolidated Revenue Fund.

Oath.

40.—(1) Every person appointed to be a chief constable or constable shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I, _____, do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

Oath to be deposited with clerk of municipality or secretary of board.

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. *New.*

Active militia,—calling out.

Rev. Stat., c. 132.

41. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the provisions of the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. *New.*

Suspension and dismissal.

Rev. Stat., c. 140.

42. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under the provisions of *The Constables Act*. *New.*

REGULATIONS.

Regulations.

43.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of any police force and governing the conduct and duties of constables, chief constables and other members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to any police force;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to constables and members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by the municipal council to the members of boards who are appointed by the Lieutenant-Governor in Council and the minimum allowance which shall be paid to the head of the council for the performance of his functions as a member of the board;

- (e) prescribing the minimum number of constables or members of a police force that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing the course of training for constables, high constables or chief constables;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they will be held;
- (j) providing for the application of the provisions of Part III of *The Public Service Act* to constables and members of police forces and making all such provisions as may be necessary to render the provisions thereof applicable to such constables or members; Rev. Stat., c. 15.
- (k) prescribing the records, returns, books and accounts to be kept and made by or in the office of constables and chief constables;
- (l) prescribing the method of accounting for fees and costs and other money which comes into the hands of constables and chief constables;
- (m) such other regulations relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and
- (n) generally for the better carrying out of the provisions of this Act.

(2) Any regulations made under the authority of subsection 1 may be general or particular in their application. R.S.O. Regulations may be general or particular.
1937, c. 140, s. 29, *amended*.

(3) No constable or chief constable shall be appointed or hold office who does not come within the regulations made under this section. *New.* Qualifications of constables and chief constables.

Rev. Stat.,
c. 140;
1938, c. 6;
1939, c. 8;
1939 (2nd
Sess.),
c. 11, s. 2;
1941, c. 58,
s. 2;
Rev. Stat.,
c. 4;
Rev. Stat.,
c. 266,
ss. 366-376,
378-381,
383, 545;
1938, c. 23,
ss. 4, 5, 7;
1939, c. 30,
ss. 19-21;
1941, c. 35,
s. 20;
1943, c. 16,
s. 7;
1944, c. 39,
ss. 30-35,
repealed.

44. *The Constables Act, The Constables Amendment Act, 1938, The Constables Amendment Act, 1939*, section 2 of *The Statute Law Amendment Act, 1939 (No. 2)*, section 2 of *The Statute Law Amendment Act, 1944*, section 12 of *The Haliburton Act*, sections 366 to 376, 378 to 381, 383 and 545 of *The Municipal Act*, sections 4, 5 and 7 of *The Municipal Amendment Act, 1938 (No. 2)*, sections 19, 20 and 21 of *The Municipal Amendment Act, 1939*, section 20 of *The Municipal Amendment Act, 1941*, section 7 of *The Municipal Amendment Act, 1943*, and sections 30, 31, 32, 33, 34 and 35 of *The Municipal Amendment Act, 1944*, are repealed.

Commence-
ment of Act.

45. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

46. This Act may be cited as *The Police Act, 1946*.

CHAPTER 73.

An Act to amend The Power Commission Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Power Commission Act* is amended by inserting after the word "chairman" in the second line the words "and may appoint another member of the Commission to be vice-chairman", so that subsection 1 of the said section shall now read as follows:

- (1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint another member of the Commission to be vice-chairman of the Commission, and two members shall form a quorum.

(2) The said section 3 is further amended by adding thereto the following subsection:

- (2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

2.—(1) Subsection 4 of section 6 of *The Power Commission Act* is repealed and the following substituted therefor:

- (4) Without the consent of the Attorney-General no action of any kind whatsoever shall be brought against the Commission, and without the consent of the Attorney-General no action of any kind whatsoever shall be brought against any member of the Commission for anything done or omitted by him in the exercise of his office.

(2) Subsections 6, 7, 8 and 9 of the said section 6 are repealed.

Rev. Stat.,
c. 62, s. 7,
subs. 1, cl. c,
subcl. iii,
re-enacted.

3.—(1) Subclause iii of clause c of subsection 1 of section 7 of *The Power Commission Act* is repealed and the following substituted therefor:

- (iii) the amount billed against each municipality at interim rates on account of the cost of power supplied in the fiscal year, and the balance credited or charged to each municipality in respect of the annual adjustment of the cost of power.

Rev. Stat.,
c. 62, s. 7,
subs. 1,
cl. f,
re-enacted.

(2) Clause f of subsection 1 of the said section 7 is repealed and the following substituted therefor:

Indebted-
ness to
Commission.

- (f) a statement summarizing the amount of the indebtedness due or owing by municipal or other corporations and persons as at the 31st day of October last preceding in respect of,

- (i) construction of works, sale of electrical equipment, apparatus or supplies and services rendered,

- (ii) power bills, and

- (iii) other indebtedness, if any,

and such statement shall also indicate the total amount of debts that are three months or more overdue.

Rev. Stat.,
c. 62, s. 9,
re-enacted.

4. Section 9 of *The Power Commission Act* is repealed and the following substituted therefor:

Application
of income
of Com-
mission.

9. The income of the Commission shall be applied by the Commission,—

- (a) to meet the necessary operating expenses;
- (b) to the preservation, improvement, supervision, renewal, repair, maintenance and insurance of its works;
- (c) to the payment of the remuneration and expenses of the commissioners and the officers and others employed by the Commission;
- (d) for the operations of the Commission under sections 43 and 56 and to meet obligations, charges and expenses arising from time to time in the course of such operations;

- (e) to meet interest expense and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts which are established under the authority of this Act;
- (f) to provide reserves authorized by sections 11, 12 and 14; and
- (g) to such other purposes as may be authorized or required by this Act.

5. Section 11 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 11,
re-enacted.

11.—(1) The Commission may establish and maintain reserve accounts for the following purposes,— Reserve
accounts
for,—

- (a) to provide for the renewal, reconstruction and repair of works constructed or operated by the Commission; renewals;
- (b) to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission and to meet other contingencies arising in the operations of the Commission and to provide for such part of the cost of properties to be acquired or which have been acquired as is not allocated to specific works; and contin-
gencies;
- (c) to provide a reserve as insurance against loss or damage to any property of the Commission or loss or damage to the persons or property of others caused by or arising from the works or operations of the Commission, insurance.

and may place to the credit of such reserve accounts and expend, use, apply, utilize and appropriate therefrom for the purposes of this section such amounts as may in the opinion of the Commission be sufficient for the purposes of this section.

- (2) The Commission may place to the credit of such reserve accounts interest at such rates as the Commission shall deem equitable and just upon the balances remaining from time to time to the credit of such reserve accounts. Interest.

6. Section 13 of *The Power Commission Act* as amended by section 27 of *The Statute Law Amendment Act, 1942*, and section Rev. Stat.,
c. 62, s. 13,
re-enacted.

1 of *The Power Commission Amendment Act, 1943*, is repealed and the following substituted therefor:

Investment
of funds in
Government
securities.

13. The Commission may, in its discretion, invest any funds not required in carrying out the objects of the Commission in the debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed as to principal and interest by either of them.

Rev. Stat.,
c. 62, s. 15,
re-enacted.

7. Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Application
of funds
set apart as
sinking fund.

15. All funds set apart by the Commission as a sinking fund under the provisions of section 14 shall be used or employed,—

- (a) towards repayment of advances made by the Province of Ontario to the Commission as provided in section 37*a* and towards the retirement of other indebtedness incurred or assumed by the Commission;
- (b) to restore reserves or other funds of the Commission utilized for the payment of the cost of works; and
- (c) to purchase and hold for sinking fund purposes securities in which the Commission is authorized to invest under section 13.

Rev. Stat.,
c. 62, s. 21,
subs. 2,
cls. a, b,
re-enacted.

8. Clauses *a* and *b* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire
lands,
waters,
powers and
works.

- (a) acquire by purchase, lease or otherwise, land, waters, water privileges, water powers, buildings and works used for, or adapted or useful for, or capable of being used or made useful for generating, transforming, transmitting, distributing or selling electric or other power or energy; enter upon, take possession of, appropriate, acquire and use any such land, waters, water privileges, water powers, buildings and works without the consent of the owner thereof, or of any person in any manner entitled to any right, title, interest, claim or demand thereto or therein; and have and hold them however acquired or obtained, and develop, utilize, use, maintain, operate and improve them for any of the purposes of this Act;

- (b) acquire by purchase the whole or any part of the property, assets and undertaking of Dominion Power and Transmission Company Limited or of any other corporation engaged in the production or sale of electric or other power or energy, including shares held or owned by the Company or other corporation in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to hold, develop, utilize, use, maintain, operate and improve any property or properties so acquired.

To acquire assets and undertaking of companies.

9. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat., c. 62, amended.

37a.—(1) The advances received by the Commission under the authority of sections 35, 36 and 37 shall be repayable according to Schedule A to this Act.

Repayment of advances.

- (2) Notwithstanding anything in this Act the Commission may in addition to the repayments provided for under subsection 1 make further repayments on account of the advances by the Province to the Commission from time to time out of funds in its hands.

Further repayment.

10. Subsection 2 of section 47 of *The Power Commission Act* is amended by inserting after the figures "61" in the tenth line the words "and an amount to be determined by the Commission to be provided for the purposes of section 11", so that the said subsection shall now read as follows:

Rev. Stat., c. 62, s. 47, subs. 2, amended.

- (2) His Majesty the King may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund of the Province the amounts from time to time by which the revenues which have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 61 and an amount to be determined by the Commission to be provided for the purposes of section 11, and such agreement or agreements when executed by the President of the Executive Council representing His Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Agreements between Crown and the Commission as to undertakings in territorial districts.

Rev. Stat.,
c. 62, s. 61,
cls. a, b, c, d,
re-enacted.

11. Clauses *a, b, c* and *d* of section 61 of *The Power Commission Act* are repealed and the following substituted therefor:

- (a) the cost of operating, maintaining, renewing and insuring the works and the cost of administration of the Commission;
- (b) interest and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts established under the authority of this Act;
- (c) an annual sum sufficient to form in forty years, with interest at four per centum per annum, a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the cost of the works, for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost of the works; and
- (d) an amount to be determined by the Commission for the purposes of sections 11 and 12.

Rev. Stat.,
c. 62, s. 71a
(1939,
c. 35, s. 3),
amended.

12. Section 71a of *The Power Commission Act* as enacted by section 3 of *The Power Commission Amendment Act, 1939*, is amended by adding at the end thereof the words "and may upon such terms as it deems proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part", so that the said section shall now read as follows:

Powers
given to
Commission.

71a. For the purposes of this Part, the Commission may exercise any of the powers which the Commission may exercise or be authorized to exercise under Part I and may upon such terms as it deems proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part.

Rev. Stat.,
c. 62, s. 90,
re-enacted.

13. Section 90 of *The Power Commission Act* is repealed and the following substituted therefor:

System of
bookkeeping.

90.—(1) The Commission may prescribe for any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution a system of bookkeeping and keeping accounts of the assets, liabilities, revenues and expenditures in respect of the production, development, distribution or sale of electrical power or

energy or the dealing in electrical fittings, fixtures, appliances, machines or equipment.

- (2) The Commission may require from any municipal corporation or municipal commission which owns, operates, controls or manages an electrical public utility receiving electrical power or energy from the Commission for distribution such returns and statements as the Commission may deem proper, and the Commission shall have access to and the right to inspect the books, records, minutes, statements and returns relating to such electrical public utility and to extract therefrom such information as in the opinion of the Commission may be useful for publication and to embody any of the information in the reports of the Commission.

Returns and
statements.

14. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 62,
amended.

- 95a. A municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may, subject to the approval of the Commission, utilize funds in its hands derived from or pertaining to the electric utility for which such power or energy is received and not required for current operating expenses or current working capital thereof in the following manner and not otherwise,—

Utilization
of funds.

- (a) in the reduction of any indebtedness incurred with respect to the construction and equipment of works for the production, development, distribution or sale of electrical power or energy; or
- (b) in purchasing or otherwise acquiring a site and erecting thereon buildings for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building, and, subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purpose of any public utility in the municipality; or

Reduction of
indebted-
ness.

Erection of
buildings.

- (c) in the renewal of such buildings; or

Renewal of
buildings.

Extension of
works.

- (d) in the extension of works for the production, development, distribution or sale of electrical power or energy; or

Purchase of
marketable
securities.

- (e) in the purchase of such marketable securities and on such terms as the Commission may approve.

Rev. Stat.,
c. 62, s. 96,
subs. 1
(1944,
c. 46, s. 6,
subs. 1);
subs. 3, re-
enacted.

15. Subsection 1 of section 96 of *The Power Commission Act* as re-enacted by subsection 1 of section 6 of *The Power Commission Amendment Act, 1944*, and subsection 3 of the said section 96 are repealed and the following substituted therefor:

When
accounts of a
corporation
show a
surplus.

- (1) Whenever it appears from the accounts of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution that there is a surplus of revenue derived from or pertaining to an electric utility over the expenses thereof after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development, distribution or sale of electrical power or energy, and for such depreciation and other reserves as the Commission may deem proper, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special order direct,—

In repay-
ment to
customers.

- (a) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission moneys paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or

To general
purposes of
municipal
corporation.

- (b) to the extent to which such surplus is derived from the supply of electrical power or energy for the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility of the corporation other than an electric utility by payment over of such surplus or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

- (3) Any member of the council of a municipal corporation and any member of a municipal commission where such municipal corporation or municipal commission is receiving electrical power or energy from the Commission for distribution by an electric utility, who is in any manner a party to any disposition or application of a surplus referred to in subsection 1 other than that directed by the Commission, or to any disposition, use, application or dealing with funds pertaining to such electric utility in any manner prohibited by this Act or any other Act shall forfeit his office and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of such municipality.

Liability for misapplication of funds.

Rev. Stat., c. 266.

16.—(1) Subsection 2 of section 104 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat., c. 62, s. 104, subs. 2, re-enacted.

- (2) Notwithstanding anything contained in *An Act respecting the City of Toronto*, passed in the first year of the reign of His Late Majesty King George the Fifth, chaptered 119, in a city having a population of sixty thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy shall consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and shall be eligible for re-appointment from time to time.

Municipal commission, — how composed in city of 60,000 or over.

(2) Subsection 1 shall have effect from the 1st day of June, 1944 and all members of any such commission appointed by the Commission shall be deemed to have been appointed on the said 1st day of June, 1944, so far as their term of office is concerned.

Subs. 1 re-tractive.

17. Section 105 of *The Power Commission Act* as amended by subsection 3 of section 19 of *The Statute Law Amendment Act, 1938*, is repealed.

Rev. Stat., c. 62, s. 105, repealed.

Rev. Stat.,
c. 62.
Schedule A,
re-enacted.

18. Schedule A to *The Power Commission Act* is repealed and the following substituted therefor:

SCHEDULE A

During year ending 31st October, 1946	\$ 2,879,705.62
1947	3,207,339.80
1948	14,895,628.15
1949	2,735,982.87
1950	2,779,563.88
1951	1,726,950.87
1952	10,483,973.05
1953	1,806,559.11
1954	1,849,376.08
1955	1,893,327.08
1956	1,939,621.95
1957	1,796,447.07
1958	1,610,130.67
1959	14,745,686.58
1960	1,341,659.01
1961	15,492,724.75
1962	1,457,165.95
1963	1,519,463.70
1964	1,583,069.40
1965	1,649,394.10
1966	1,718,816.64
1967	1,403,485.50
1968	1,462,764.52
1969	1,060,733.64
1970	1,106,410.72
1971	701,051.95
	<hr/>
	\$94,847,032.76
Outstanding Unmatured Provincial Advances as at 31st October, 1945.	<hr/>

Short title.

19. This Act may be cited as *The Power Commission Amendment Act, 1946*.

CHAPTER 74.

An Act to amend The Presqu'ile Park Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Presqu'ile Park Act* is amended by inserting after the word "vested" in the twentieth line the words "in The Presqu'ile Park Commission", so that the said section shall now read as follows:

2. The tract of land and marsh land hereinafter mentioned, that is to say: All that parcel or tract of land and marsh land in the Township of Brighton, in the County of Northumberland being composed of Presqu'ile Peninsula and High Bluff Island as shown on plans of survey by A. B. Perry, dated December 6th, 1869, on record in the Department of Lands and Forests, together with any small islands or bars and all marsh land lying adjacent to the said peninsula and south of the Village of Brighton and of Lots 4 and 5 in the broken front concession of Brighton Township, excepting from the above mentioned lands, the light-house reserve, containing some 125 acres, and two other small lots on the northerly shore of the Point, containing together one acre and sixty-five one hundredths of an acre, more or less, and a strip, 30 feet wide adjoining the westerly boundary produced of the said lighthouse reserve to give connection with the public road, as described in the Report of the Committee of the Privy Council and approved November 6th, 1920, and shown on a plan attached to the said report, containing an area of 875 acres, more or less, is hereby vested in The Presqu'ile Park Commission and set apart as a park, forest reservation and health resort for the benefit, advantage and enjoyment of the people of Ontario and shall be known as the "Presqu'ile Park."

What lands
to be set
apart for
purposes of
Park.

Rev. Stat.,
c. 97, s. 6,
amended.

2. Section 5 of *The Presqu'ile Park Act* is amended by striking out the words "any direction" in the first line and inserting in lieu thereof the words "the approval", so that the first two lines of the said section shall now read as follows:

Powers of
Commission

5. Subject to the approval of the Lieutenant-Governor in Council, the Commission shall have power,—

.

Rev. Stat.,
c. 97, s. 27,
repealed.

3. Section 27 of *The Presqu'ile Park Act* is repealed.

Short title.

4. This Act may be cited as *The Presqu'ile Park Amendment Act, 1946*.

CHAPTER 75.

An Act to amend The Professional Engineers Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 1.
cl. *h*,
re-enacted.

(*h*) "Professional engineering" save as hereinafter mentioned shall mean the advising on, the reporting on, the designing of, the supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete and reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, electrical communication systems and equipment, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, and equipment and apparatus for carrying out such operations, machinery, boilers and their auxiliaries, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, and aircraft and generally all other engineering works including the engineering works and installations relating to airports, airfields and landing strips and relating to town and community planning.

"Professional engineering".

(2) Clause *l* of the said section 1 is amended by striking out the words "the vice-president" in the first line and inserting in lieu thereof the words "a vice-president", so that the said clause shall now read as follows:

Rev. Stat.,
c. 237, s. 1.
cl. *l*,
amended.

"Vice-president."

(l) "Vice-president" shall mean a vice-president of the Association.

Rev. Stat.,
c. 237, s. 1,
amended.

(3) The said section 1 is further amended by inserting therein the following clauses:

"Graduate";

(cc) "Graduate" shall mean a graduate from a university recognized by the council in any branch of engineering or science, the practice of which constitutes professional engineering;

"Undergraduate".

(kk) "Undergraduate" shall mean a student enrolled at but not graduated from a university recognized by the council in a course in any branch of engineering or science the practice of which constitutes professional engineering.

Rev. Stat.,
c. 237, s. 2,
re-enacted.

2. Section 2 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Where Act
not to bar
practise of
profession.

2. Nothing in this Act contained shall prevent or be deemed to prevent,—

(a) any person from performing his duties in His Majesty's armed forces;

Rev. Stat.,
c. 233.

(b) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensee acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect;

Rev. Stat.,
c. 238.

(c) any person from practising his trade or calling of a stationary engineer who holds a certificate under *The Operating Engineers Act* or from so designating himself;

(d) any person from practising his profession, trade or calling as a bacteriologist, chemist, geologist, mineralogist or physicist;

(e) any person from advising on or reporting on any mineral property or prospect, or from advising on, reporting on, designing, or supervising the construction of any mining plant, mining machinery, mining development, mining operations, gas and oil developments,

smelters, refineries, metallurgical machinery, or equipment, apparatus, or plant or anything in connection therewith for carrying out such operations, or chemical machinery, apparatus or processes;

- (f) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

or to require any such person to become registered or licensed under the provisions of this Act to so perform or practise.

3. Subsection 3 of section 3 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 3, subs. 3, re-enacted.

- (3) The Association may purchase, acquire or take by gift, devise, bequest or donation for the purposes of the Association and the furtherance of its objects but for no other purposes or objects and may sell, mortgage, lease or otherwise dispose of, any real or personal property. Power to acquire and hold property.

4. Section 4 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, re-enacted.

4.—(1) The council may pass by-laws or amendments to existing by-laws for,— By-laws.

- (a) the admission and registration of members and the recording of licensees, and of graduates, undergraduates and persons serving under articles;
- (b) the keeping of a register of members and licensees;
- (c) the fixing of dates and places of meeting of the Association and the council;
- (d) the government and discipline of the members;
- (e) the election of the council;
- (f) the remuneration and re-imbursement of members of the council;
- (g) the election or appointment of the officers of the Association;

- (h) the fixing, levying and collecting of a fee not exceeding \$25 on each application for registration as a member or for a licence to practise or for recording as a graduate, undergraduate or person serving under articles and for the fixing, levying and collecting of an annual fee from each member or licensee not exceeding \$10 per annum;
- (i) the management of the property of the Association;
- (j) the establishment of scholarships, bursaries and prizes;
- (k) instituting and providing means for increasing the knowledge and skill of professional engineers, for advancing their status and well-being, and for maintaining a high standard of professional ethics among them;
- (l) the application of the funds of the Association for the purposes aforesaid and the furtherance of its objects; and the investment of its funds not immediately required as aforesaid, in securities authorized by law for the investment of trust funds;
- (m) generally all such other purposes as may be deemed necessary or convenient for the management of the Association and the conduct of its business.

Idem.

- (2) As between members of the Association the ruling of council on the construction and interpretation of its by-laws shall be final.

Rev. Stat.,
c. 237, s. 5,
re-enacted.

5. Section 5 of *The Professional Engineers Act* is repealed and the following substituted therefor:

By-law to
be sub-
mitted to
members of
Association.

5. No by-law hereafter passed by council and no amendment hereafter made by council to any existing by-law shall be valid or acted upon until it has been,—

- (a) submitted to the members of the Association for approval by means of a letter-ballot returnable within thirty days after the mailing thereof and unless a majority of those voting within the prescribed time have approved thereof; and

(b) approved by the Lieutenant-Governor in Council.

6.—(1) Subsection 1 of section 6 of *The Professional Engineers Act* is amended by striking out all the words after the word “branches” in the fourth line and inserting in lieu thereof the words “civil, mechanical, chemical and metallurgical, electrical, mining”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 237, s. 6,
subs. 1,
amended.

- (1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the Association shall be subdivided into the following branches: civil, mechanical, chemical and metallurgical, electrical, mining.

Classification.

- (2) Subsection 2 of the said section 6 is repealed.

Rev. Stat.,
c. 237, s. 6,
subs. 2,
repealed.

7.—(1) Subsections 1, 3, 4 and 5 of section 8 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 8,
subs. 1, 3,
4 and 5, re-
enacted.

- (1) The council shall consist of a president, a first vice-president and a second vice-president, an immediate past-president and three councillors from each branch of the Association, all of whom shall be registered members of the Association and domiciled in Ontario.

Council.

- (3) The vice-presidents shall be elected annually by vote of the members and the first vice-president shall have all the powers of the president during his absence, and the second vice-president shall have all the powers of the president during the absence of the president and the first vice-president, provided always that if the second vice-president resides in Toronto and the first does not the council may by resolution authorize the second vice-president to have all or any part of the powers of the president while the president and first vice-president are absent from Toronto.

Vice-presidents,—
election of.

- (4) Two councillors shall be elected annually from each branch of the Association by the votes of the registered members in such branch, but any member heretofore registered in more than one branch may vote in only one branch according to his selection, and he may transfer his vote to any other branch in which he is registered upon the approval of the coun-

Election of
councillors.

cil, and one councillor from each branch of the Association shall be appointed by the Lieutenant-Governor in Council for a term not exceeding five years.

Secretary
and treas-
urer,—
appointment
of.

- (5) The Council shall appoint a registrar and a secretary and a treasurer who shall hold office during the pleasure of the Council and any two or more of such offices may be held by one person.

Rev. Stat.,
c. 237, s. 8,
amended.

- (2) The said section 8 is further amended by adding thereto the following subsections:

Vacancies.

- (6) In case of the death, resignation or incapacity of any officer or councillor the office shall be declared vacant by the council and, except in the case of a councillor appointed by the Lieutenant-Governor in Council, the council shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and absence from three consecutive meetings may be treated by the council as incapacity.

Vacancy in
office of
councillors
appointed by
Lieutenant-
Governor
in Council.

- (7) In the case of a vacancy in the office of a councillor appointed by the Lieutenant-Governor in Council the Lieutenant-Governor in Council may fill the vacancy.

Rev. Stat.,
c. 237,
ss. 10, 11, 12,
repealed.

8. Sections 10, 11 and 12 of *The Professional Engineers Act* are repealed.

Rev. Stat.,
c. 237,
ss. 13, 14, 15,
16 and 17,
re-enacted.

9. Sections 13, 14, 15, 16 and 17 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Qualifica-
tion for
membership.

- 13.—(1) Any applicant for membership who,—

- (a) is resident in Ontario;
- (b) is of the full age of twenty-one years or over;
- (c) has passed the examinations prescribed by the council or is exempted therefrom pursuant to the provisions of this Act;
- (d) has had five years or more experience in engineering work satisfactory to council; and
- (e) provides satisfactory evidence of good character,

shall be registered by the council as a member of the Association.

- (2) Each applicant for membership shall submit upon the forms prescribed by the council evidence of his educational qualifications and engineering experience, a proper certificate as to his age, such information as may be required as to his residence and at least three references as to his character and engineering experience, and he may be required by council to verify the statements set out in his application by affidavit or statutory declaration. Evidence of qualifications.
- (3) Each application for membership shall state the branch in which the applicant desires to be enrolled and the application shall be referred to those members of council who represent that branch for their consideration and such councillors or a majority of them shall report to the council as to whether or not they consider the engineering experience acquired by the applicant to be satisfactory. Report of councillors for branch.
- (4) If the applicant is a graduate in any branch of engineering or of science, the practice of which constitutes professional engineering, from a university recognized by the council, the applicant, upon presenting evidence of the actual time during which he was under instruction in the university shall be granted the time spent under such instruction in reduction of the period of engineering experience above required, but the total exemption granted shall not exceed four years. Credit for time spent at university.
- (5) In determining the examinations to be prescribed for the applicant regard shall be had to whether or not he is a graduate of a university recognized by the council and to the examinations which he has passed to obtain his degree and the council on the advice of the members of council representing the branch to which the applicant seeks admission or a majority of them may, having regard to the examinations passed by the applicant to obtain his university degree, grant exemption to him from the prescribed examinations required for registration as a member of the Association or from some of such examinations. Credit for examinations passed at university.
14. Any person resident in Ontario who is a duly registered member of an association of professional engineers in any province of Canada similarly constituted to this Association, may upon application made to council be admitted to membership upon satisfactory proof of residence and of membership in such association. Members of associations of other provinces.

Members of
other asso-
ciations.

15. Any person resident in Ontario who is a registered member of any association or institute in other parts of the British Commonwealth of Nations or in the United States of America similarly constituted to this Association, and which grants reciprocal privileges and who applies for membership in this Association, may be admitted to membership upon producing to council satisfactory proof of such residence and of membership in such association or institute.

Graduates, Students and Apprentices.

Recording
persons
with the
Association.

16. Persons who are engaged as apprentices or assistants to professional engineers and who contemplate writing the prescribed examinations of the Association and undergraduates and graduates who have not completed the full five years of engineering experience within the meaning of this Act and who contemplate applying for registration on the completion of such experience may be recorded with the Association but not as members of the Association until fully qualified and upon being recorded shall be subject to the control of the council and to the by-laws of the Association.

Licensing.

Members of
associations
of other
provinces
not resi-
dent in
Ontario.

- 17.—(1) Any person resident in Canada but not in Ontario who is a registered member of an association of engineers similarly constituted of any other province of Canada may upon application obtain from the registrar a license to practise as a professional engineer in Ontario upon production of evidence of his registry in such other province.

Consulting
specialist not
resident
in Canada.

- (2) Any person who is not resident in Canada, but who in the opinion of the members of council in any branch is recognized as a consulting specialist in such branch of engineering, and has had not less than ten years of experience in the practice of his profession, or who presents evidence to satisfy such members of council that he has equal qualifications with those required for registration in such branch of the profession, may, with the approval of the members of council of such branch, be granted a license to practise in that branch.

Person from
province
where no
association.

- (3) Any professional engineer who is resident in a province of Canada in which there is no association of engineers similarly constituted to the Association

may obtain a license to practise in a branch of engineering, subject to the approval of the members of council representing such branch.

- (4) In the event of an applicant for a license failing to obtain it promptly for any reason unrelated to his professional capacity or his own neglect he may practise as a professional engineer in Ontario for a period of not more than three months without such license. Practise by applicant for license.

- (5) Any such license granted under the provisions of this section shall be in the form and be limited to the period and for the work provided by subsection 4 of section 26. Form and conditions of license.

10. Subsection 1 of section 19 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 19, subs. 1, re-enacted.

- (1) Only a person who is a member of the Association or who has obtained a license shall be entitled to take and use the title "Professional Engineer," or "Registered Professional Engineer" or any abbreviation thereof, or except as herein otherwise provided to take and use the title "Engineer" or any abbreviation thereof in such context or in such a manner as to lead to the belief that he is a professional engineer. Use of titles.

11. Sections 20 and 21 of *The Professional Engineers Act* are repealed and the following substituted therefor: Rev. Stat., c. 237, s. 20, re-enacted, s. 21, repealed.

20. A person applying for membership who has served in an engineering capacity with the armed forces of Canada or her allies during the war which commenced in September, 1939, shall be granted as part of the term of employment required before registration the whole time of such service or such part thereof as the council may direct. Members of the forces.

12. Section 23 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 23, re-enacted.

23. The council shall appoint annually a board of examiners from nominations made by members of council representing each of the branches. Board of examiners.

13. Subsection 2 of section 24 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 24, subs. 2, re-enacted.

- (2) The scope of the examinations and the methods of procedure shall be prescribed by the board of ex- Scope of examinations.

aminers, subject to the approval of council, with special reference to the applicant's ability to design and supervise engineering works which will insure the safety of life and property.

Rev. Stat.,
c. 237, s. 26,
re-enacted.

14. Section 26 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Certificate
of member-
ship.

26.—(1) The registrar shall issue to each member admitted to the Association a certificate of membership signed by the president or a vice-president and the registrar, and bearing the seal of the Association.

Certificate
to be
displayed.

(2) Every member shall keep his certificate of membership prominently displayed in his place of business.

Property in
certificate.

(3) Every certificate of membership shall be the property of the Association and shall be returned forthwith by the member to the Association when his membership ceases.

Licenses.

(4) The registrar shall issue a license to practise to any person entitled thereto, such license to specify the work upon which and the name of the employer in Ontario by whom the holder of the license is to be employed and the period for which it is issued, but in no case shall the period extend beyond the end of the calendar year in which such license was issued.

Names of
licensees and
members to
be enrolled
in register.

(5) The registrar shall enroll in the register provided by the council the names of all persons admitted to the Association by the council, also the names of all persons licensed by the council.

Record of
apprentices,
assistants,
under-
graduates,
graduates.

(6) The registrar shall keep a record of persons engaged as apprentices or assistants to professional engineers, and undergraduates and graduates who make application to be recorded pursuant to section 16.

Rev. Stat.,
c. 237,
ss. 32, 33,
re-enacted.

15. Sections 32 and 33 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Reprimand,
censure,
suspension,
expulsion.

32.—(1) The council may, in its discretion, suspend or cancel the membership or license of any person who has been guilty of unprofessional conduct, or of gross negligence or incompetence or of continued breach of the by-laws of the Association, or any member or licensee convicted of a serious criminal offence by a court of competent jurisdiction, or may reprimand or censure such member or licensee.

- (2) The council shall not take any such action until after a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member or licensee accused, who shall be given an opportunity of submitting evidence in his defence and the council shall not suspend or cancel a membership or license without having previously summoned the member or licensee to appear before the council, nor without having heard evidence under oath offered in support of the complaint and in behalf of the member or licensee accused. Procedure.
- (3) The council shall have the same powers as commissioners under *The Public Inquiries Act* to compel witnesses to appear and give evidence under oath in the manner and under penalties prescribed by such Act, and all such evidence shall be taken in writing or by a duly qualified stenographer. Powers of council.
Rev. Stat., c. 19.
- (4) Any person whose membership or license has been suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of the Supreme Court judge presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal. Appeal.
- (5) Pending an appeal the member or licensee whose membership or license is suspended or cancelled may continue to practise, but unless the order of suspension or cancellation is set aside he shall not practise after the appeal has been disposed of, except that in the case of a suspension, he may practise upon and after the expiry of the period of suspension. Pending appeal.
- 32a. No action shall be brought against the council or any member or officer thereof for anything done under this Act or under any by-law passed in accordance therewith. No action.

Penalties.

33. Any person in the Province of Ontario who, not being registered as a member of the Association in the Province of Ontario, or licensed by the Association,— When un-registered or unlicensed person practises.

Penalty.

- (a) uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of such title, or of any words, name or designation that will lead to the belief that he is a professional engineer or a member of the Association, or except as permitted by section 2 uses the title or designation "Engineer" in such a manner as will lead to the belief that he is a professional engineer or member of the Association;
- (b) advertises or holds himself out or, except as provided by section 2, conducts himself in any way or by any means as a member of the Association or professional engineer; or
- (c) engages in the practice of professional engineering,

shall incur a penalty of not less than \$100 nor more than \$200 for the first offence, and of not less than \$200 nor more than \$500 or imprisonment for a period not exceeding three months, or both, for any subsequent offence.

Short title.

16. This Act may be cited as *The Professional Engineers Amendment Act, 1946*.

CHAPTER 76.

An Act to amend The Provincial Parks Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Provincial Parks Act* is amended by striking out the words "fish and game preserve" in the seventh line, so that the said section shall now read as follows: Rev. Stat.,
c. 94, s. 2,
amended.

2. The Lieutenant-Governor in Council may withdraw from sale, settlement and occupancy under the provisions of *The Public Lands Act*, and *The Mining Act*, any tract of land being the property of the Crown, and not suitable for settlement or agricultural purposes, and may reserve and set apart the same as a public park and forest reserve, health resort and pleasure ground for the benefit, advantage and enjoyment of the people of Ontario, and for the protection of the fish, birds, game and fur-bearing animals therein, subject to the provisions of this Act and of the regulations made thereunder, and any such tract shall be known as a provincial park and called by a distinctive name. Reservation
of land the
property of
the Crown.

Rev. Stat.,
cc. 33, 47.

2. Section 3 of *The Provincial Parks Act* is amended by inserting after the word "Council" in the first line the words "by regulation", and by striking out all the words after the word "therefrom" in the fourth line, so that the said section shall now read as follows: Rev. Stat.,
c. 94, s. 3,
amended.

3. The Lieutenant-Governor in Council by regulation may add to the park any adjacent tract of land the property of the Crown, alter the boundaries of the park, or withdraw any tract of land therefrom. Powers of
Lieutenant-
Governor
as to park
boundaries.

3.—(1) Clause *h* of section 6 of *The Provincial Parks Act* is repealed. Rev. Stat.,
c. 94, s. 6,
cl. *h*,
repealed.

(2) Clause *i* of the said section 6 is amended by striking out all the words after the word "trespassers" in the second line, so that the said clause shall now read as follows: Rev. Stat.,
c. 94, s. 6,
cl. *i*,
amended.

Trespassers.

- (i) the removal and exclusion of pedlars, travelling salesmen and trespassers.

Rev. Stat.,
c. 94, s. 7,
s. 9, 10
and 11,
repealed.

4. Sections 7, 8, 9, 10 and 11 of *The Provincial Parks Act* are repealed.

Rev. Stat.,
c. 94, s. 12,
amended.

5. Section 12 of *The Provincial Parks Act* is amended by striking out all the words after the word "Act" in the twelfth line, so that the said section shall now read as follows:

Power to
arrest on
view of
offence.

12. Any park ranger or member of the Ontario Provincial Police Force, or other person appointed by the Minister for the purpose, may, on view without warrant or legal process, arrest and bring before a justice of the peace or before the superintendent to be dealt with according to law, any person found violating any provision of this Act or of the regulations made thereunder and the superintendent shall have the like power of arresting such person and when he is arrested may summarily try him for any of the offences hereinafter mentioned, and a park ranger or the superintendent may on view arrest and remove from the park any person found violating the provisions of this Act.

Rev. Stat.,
c. 94, s. 13,
repealed.

6. Section 13 of *The Provincial Parks Act* is repealed.

Rev. Stat.,
c. 94, s. 15,
amended.

7. Section 15 of *The Provincial Parks Act* is amended by striking out all the words after the word "Crown" in the fifth line, so that the said section shall now read as follows:

Effect of
license.

15. A timber license over or in respect of any land within the park shall not entitle the holder thereof to exclusive possession of such land as against the Crown or its agents, servants, licensees or lessees, or the holder of any permit from the Crown.

Rev. Stat.,
c. 94, s. 28,
re-enacted.

8. Section 28 of *The Provincial Parks Act* is repealed and the following substituted therefor:

Enforcement
of game
laws.

1946, c. 33.

28. Nothing herein shall withdraw the territory comprising the park or that within a mile from any part thereof from the operation of *The Game and Fisheries Act, 1946*.

Rev. Stat.,
c. 94, s. 29,
subs. 2
amended.

9. Subsection 2 of section 29 of *The Provincial Parks Act* is amended by striking out the symbol and figure "\$1" in the second line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Annual
fee.

- (2) The annual fee to be paid for a license shall not exceed \$5.

10. Section 41 of *The Provincial Parks Act* is repealed.

Rev. Stat.,
c. 94, s. 41,
repealed.

11. This Act may be cited as *The Provincial Parks Amendment Act, 1946*. Short title.

CHAPTER 77.

An Act to require the Licensing of Public Halls.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

(a) "owner" shall mean person who has in respect of "owner"; premises an estate for life or a greater estate, legal or equitable, or a leasehold estate; and

(b) "public hall" shall mean premises offered for use or "public hall". used as a place of public assembly where the premises are offered for hire or hired for the purpose of an assembly or where a fee is charged or a collection made for entrance, entertainment or otherwise, but shall not include premises used solely for religious purposes nor a theatre within the meaning of *The Rev. Stat., c. 319. Theatres and Cinematographs Act.*

2. No premises shall be offered for use or used as a public hall unless the owner thereof holds a licence therefor from the municipality in which the premises are situate. Licence required.

3. Any owner who contravenes section 2 shall be guilty of an offence and liable to a penalty, recoverable under *The Rev. Stat., c. 136. Summary Convictions Act*, of not less than \$50 nor more than \$500 and in default of payment of the penalty imposed or in addition to such penalty, to imprisonment for a term not exceeding six months. Penalty.

4. This Act may be cited as *The Public Halls Act, 1946.* Short title.

CHAPTER 78.

An Act to amend The Public Health Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Health Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 299, s. 5,
amended.

(zl) prescribing the form of application and report and the tests to be conducted under section 74a.

Forms,
pre-natal
care

2. Section 7 of *The Public Health Act* is repealed.

Rev. Stat.,
c. 298, s. 7,
repealed.

3. *The Public Health Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 299,
amended.

74a.—(1) Every expectant mother may obtain a free medical examination upon making application in the prescribed form to a duly qualified medical practitioner.

Free medical
examination
for expectant
mothers.

(2) The medical practitioner shall make a complete physical examination and perform such tests as may be prescribed by the regulations and shall, within fourteen days of the examination, forward to the Minister a report in the form prescribed by the regulations.

Report to
Minister.

(3) Every medical practitioner who makes an examination and report in accordance with the provisions of this section shall be paid a fee of \$5 by the Minister.

Fee.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

5. This Act may be cited as *The Public Health Amendment Act, 1946*.

Short title.

CHAPTER 79.

An Act to amend The Public Lands Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Subsection 2 of section 4 of *The Public Lands Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 33, s. 4,
subs. 2,
re-enacted.
 - (2) The regulations shall be filed in accordance with the provisions of *The Regulations Act, 1944*, and published in such newspaper as the Minister may direct.

Publication.
1944, c. 52.
 2. *The Public Lands Act* is amended by striking out the heading "PINE TREES" between sections 42 and 43 and inserting in lieu thereof the heading "TREES".

Rev. Stat.,
c. 33, s. 43,
heading,
amended.
 3. Section 43 of *The Public Lands Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 33, s. 43,
re-enacted.
- 43.—(1) All trees on land disposed of for agricultural purposes shall remain the property of the Crown until the issuance of letters patent when the property in such trees shall pass to the patentee.

Reservation
of trees.
- (2) Except in the Districts of Kenora and Rainy River when at the time of a disposition of land for agricultural purposes any person holds a license to cut the pine timber on such land, the letters patent shall contain a reservation of all pine trees.

Pine trees
under timber
license.
- (3) Where the property in any trees has not passed to the person to whom land has been disposed of for agricultural purposes, or anyone claiming under him, he may nevertheless cut and use all such trees necessary for building and fencing on all lands disposed of to him and may cut and dispose of all trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit

Right to
clear, etc.

Authority of
officer
required.

of the actual clearing without the consent in writing of an officer of the Department designated by the Minister for this purpose, provided that such consent shall not be given with respect to pine trees on land under timber license.

Payment of
Crown dues.

- (4) All trees cut under the provisions of subsection 3 and sold or bartered shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber unless the Minister has otherwise directed in writing.

Right of
timber
licensee.

- (5) Any person holding a license to cut timber on land disposed of for agricultural purposes, may at all times during the continuance of the license, enter upon the uncleared portion of such land, and cut and remove the trees and make all necessary roads provided he occasions no unnecessary damage thereby.

Rev. Stat.,
c. 33, s. 52,
re-enacted.

4. Section 52 of *The Public Lands Act* is repealed and the following substituted therefor:

Lands
patented
before May
1st, 1880.

- 52.—(1) In the case of land disposed of for agricultural purposes and patented before the 1st day of May, 1880, all trees thereon shall be deemed to have passed to the patentee by the letters patent and every reservation of trees contained in the letters patent shall be void.

Release from
reservation
of pine trees.

- (2) Where letters patent issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes reserve pine trees to the Crown and where the land is not under timber license, the Minister, upon application of the owner and,—

(a) upon payment of a purchase price determined by the Minister; or

(b) without charge where,

(i) the owner resides on or within ten miles of the land, or

(ii) the pine trees exclusive of those planted by the owner do not exceed on an average five hundred feet board measure per acre and the owner plants at least ten percentum of the land with trees as a private reforestation project satisfactory to the Minister,

may make an order releasing and discharging the land from the reservation of pine trees and such order may be registered in the proper registry or land titles office.

5. Section 53 of *The Public Lands Act* is repealed.

Rev. Stat.,
c. 33, s. 53,
repealed.

6. This Act may be cited as *The Public Lands Amendment Act, 1946*. Short title

CHAPTER 80.

An Act to amend The Public Libraries Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 40 of *The Public Libraries Act* is amended by striking out the word "one-fourth" in the tenth line and inserting in lieu thereof the word "one-half", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 283, s. 40,
subs. 1,
amended.

- (1) Where a board requires the council to raise money for the purpose of acquiring a site, or purchasing, erecting or remodelling necessary buildings, and, in the first instance, for obtaining books and other things required for the library, the council may, on the requisition of the board, raise such money by a special issue of debentures of the municipality, to be termed "Public Library Debentures" provided that the annual amount required for debt charges on the debentures with the annual debt charges for existing debentures does not exceed one-half of the public library rate claimable by the board for the year in which the requisition is made, and in the event of a council refusing to raise such sum by debentures, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts in the manner provided by *The Municipal Act* and in the event of the assent of the electors being obtained, it shall be the duty of the council to pass a by-law for raising the amount in the manner provided by that Act but it shall not be necessary to submit such by-law to a vote of the electors.

When
council may
issue debentures on
requisition
of board.

Rev. Stat.,
c. 266.

2. Section 77 of *The Public Libraries Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 283, s. 77,
amended.

(aa) for delegating to the Minister power to make special grants to any board.

Short title.

3. This Act may be cited as *The Public Libraries Amendment Act, 1946*.

CHAPTER 81.

An Act to amend The Public Officers' Fees Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$3,000" in the third line, and inserting in lieu thereof the symbol and figures "\$4,000", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 18, s. 8,
subs. 1,
amended.

- (1) Every division court clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$4,000.

Division
court
clerk.

(2) Subsection 2 of the said section 8 is repealed and the following substituted therefor:

Rev. Stat.,
c. 18, s. 8,
subs. 2,
re-enacted.

- (2) Of the fees and emoluments earned by any division court clerk in each year he shall pay to the Treasurer of Ontario the following percentages,—

Scale of
percentages
payable to
Province.

- (a) on the excess over \$4,000, up to \$6,000, thirty per centum thereof;
- (b) on the excess over \$6,000, up to \$10,000, forty per centum thereof;
- (c) on the excess over \$10,000, seventy-five per centum thereof.

(3) This section shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Commence-
ment of
section.

2.—(1) Subsection 1 of section 13 of *The Public Officers' Fees Act* is amended by striking out all the words after the word "use" in the sixth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 18, s. 13,
subs. 1,
amended.

Alteration of percentages and provisions re income.

- (1) The Lieutenant-Governor in Council may from time to time amend or repeal the amount of percentages payable under the provisions of this Act by any officer to whom this Act applies, and the amount of net or gross income that any such officer under this Act is entitled to retain to his own use.

Rev. Stat., c. 18, s. 13, subs. 2, amended.

- (2) Subsection 2 of the said section 13 is amended by striking out all the words after the word "Act" in the fifth line, so that the said subsection shall now read as follows:

Alterations of fees under Ontario Statutes.

- (2) The Lieutenant-Governor in Council may from time to time amend or repeal any fees payable under the provisions of any Act of this Legislature to any sheriff, Crown attorney, clerk of the peace or any officer within the provisions of this Act.

Short title.

- 3.** This Act may be cited as *The Public Officers' Fees Amendment Act, 1946*.

CHAPTER 82.

An Act to amend The Public Schools Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. —(1) Section 15 of *The Public Schools Act* as amended Rev. Stat., c. 357, s. 15, amended. by section 16 of *The School Law Amendment Act, 1939*, section 4 of *The School Law Amendment Act, 1940*, section 12 of *The School Law Amendment Act, 1941*, and section 10 of *The School Law Amendment Act, 1944*, is further amended by adding thereto the following subsections:

(1c) The council of a township may add a school section Addition to township school area. or a union school section to a township school area already established and the provisions of subsections 1 and 1b shall apply *mutatis mutandis*.

(1d) The council of each of two or more contiguous Township school area, — formation of. townships may by by-law passed with the consent of a majority of the whole number of members of the council before the 1st day of July in any year, set apart the whole or any portion of the township to form a township school area with the whole or any portion of the contiguous township or townships and the provisions of subsections 1 to 1c shall apply *mutatis mutandis*.

(1e) The council of each of one or more contiguous town- Idem. ships and of a village or town which is contiguous to one or more of them may respectively by by-law passed with the consent of a majority of the whole number of members of each council before the 1st day of July in any year, set apart the whole or any portion of the township or townships and the whole of the adjacent village or town which together shall form a township school area and the provisions of subsections 1 to 1c shall apply *mutatis mutandis*.

Clerk to be
returning
officer.

- (4a) Where a township school area is formed under subsection 1*d* or 1*e* the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality for the election of trustees for the township school area and he shall report forthwith the vote recorded in his municipality to the clerk of the municipality which has the largest equalized assessment in the township school area, who shall forthwith prepare the final summary and announcement of the vote, and if at the first election of trustees two or more trustees receive an equal number of votes, or all of the trustees are declared elected by acclamation, he shall determine which of the trustees shall hold office for two years and his determination shall be notified to the board in writing and shall be entered on the minutes of the board.

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Auditor.

- (11a) Where a township school area is formed under subsection 1*d* or 1*e*, the provisions of subsection 11 shall apply except that the auditor of the municipality which has the greatest equalized assessment shall be the auditor of the township school area books.

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Powers and
duties.

- (15) All the powers and duties of the board of a school section which becomes part of a township school area shall be vested in and imposed upon the board of the township school area.

Rev. Stat.,
c. 357, s. 15,
subs. 12,
re-enacted.

- (2) Subsection 12 of the said section 15 is repealed and the following substituted therefor:

Approval of
by-laws.

- (12) No by-law shall be passed under the provisions of subsection 1, 1*a*, 1*c*, 1*d* or 1*e* until the same shall have been submitted to and approved in writing by the Minister.

Rev. Stat.,
c. 357, s. 16,
subs. 1,
re-enacted.

- 2.—(1) Subsection 1 of section 16 of *The Public Schools Act* is repealed and the following substituted therefor:

Adjustment
of claims.

- (1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united under a township school board or into a township school area or areas shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Ontario Municipal Board within three months after the passing of the by-law forming the township school board or the township school area board, as the case may be.

(2) Subsection 5 of the said section 16 is repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 16,
subs. 5,
re-enacted.

- (5) The Board may by its order adopt, vary or amend the report of any referee appointed under this section, and the order of the Board adopting such report or varying or amending it shall be final and conclusive and not open to question or appeal, and it shall be binding upon the municipality and the ratepayers of such municipality and of any school section affected thereby.

Board may
adopt, vary
or amend
report.

(3) The said section 16 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 357, s. 16,
amended.

- (6a) The council of each of the several municipalities, all or portions of which are included in a township school area, shall annually impose and levy such special rates against the rateable property in such municipality which is within the township school area as may be directed in any order of the Board for the purpose of adjusting any rights or claims determined under this section.

Special
rates for
adjusting
claims.

3.—(1) Subsections 2 and 3 of section 69 of *The Public Schools Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 357, s. 69,
subs. 2, 3,
re-enacted.

- (2) Where a poll is granted the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Entry in
poll book.

- (3) Ballot papers shall be pieces of plain white paper of uniform size.

Form of
ballot
paper.

- (3a) A voter shall mark his ballot,

Marking
of ballot
paper.

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

- (3b) Each voter shall mark his ballot paper in a compartment or other place provided for such purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the

Manner of
voting.

secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for such purpose.

Appoint-
ment of
scrutineer.

- (3c) Every candidate may appoint a person to act as his scrutineer during the election.

Statement
of result
of poll.

- (9a) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered or mailed to each candidate.

Rev. Stat.,
c. 357, s. 69,
subs. 10,
re-enacted.

- (2) Subsection 10 of the said section 69 is repealed and the following substituted therefor:

Acceptance
of office
of trustee.

- (10) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.

Rev. Stat.,
c. 357, s. 86,
amended.

4. Section 86 of *The Public Schools Act*, as amended by section 31 of *The School Law Amendment Act, 1938*, and section 15 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Fees of non-
resident
pupils.

- (8) Where fees on behalf of non-resident pupils are payable by one school board to another, the maximum fees which may be charged shall be calculated as in subsection 3, except that amounts of legislative, county and municipal grants shall not be deducted from the gross cost.

When to be
included in
costs of
operation.

- (9) The fees paid in any year under subsection 8 for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants.

Rev. Stat.,
c. 357, s. 89,
cl. e,
amended.

- 5.—(1) Clause *e* of section 89 of *The Public Schools Act* is amended by adding after the word "condition" in the fifth

line the words "and to make provision for insuring adequately the school buildings and equipment", so that the said clause shall now read as follows:

- (e) to acquire or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses, furniture, fences and all other school property, and to keep the wells, closets and premises in a proper sanitary condition and to make provision for insuring adequately the school buildings and equipment.
- To provide and maintain school premises.
Insurance.

(2) The said section 89 is amended by adding thereto the following clause:

Rev. Stat.,
c. 357, s. 89,
amended.

- (gg) to appoint, where two or more schools are under the control of a board, such supervising officials as may be deemed necessary and, subject to the regulations, to prescribe the duties of such officials.
- Supervising
officials.

6. Section 89a of *The Public Schools Act* as enacted by section 13 of *The School Law Amendment Act, 1944*, is repealed.

Rev. Stat.,
c. 357, s. 89,
(1944, c. 56,
s. 13),
repealed.

7. This Act, except section 3, shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946.

Commence-
ment of Act.

8. This Act may be cited as *The Public Schools Amendment Act, 1946*.

Short title.

CHAPTER 83.

An Act to amend The Public Service Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Public Service Act* is repealed. Rev. Stat.,
c. 15, s. 6,
subs. 2,
repealed.

2. Section 32 of *The Public Service Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 15, s. 32,
amended.

(2) A person who,—

(a) is temporarily employed in the public service on or after the 1st day of November, 1920;

(b) is so employed continuously up to the date of his appointment as an employee;

(c) gives notice in writing to the Board,

(i) on or before the 31st day of October, 1946, where he is appointed after the 1st day of November, 1920, and on or before the 30th day of April, 1946, or

(ii) within three months after his appointment, where he is appointed after the 30th day of April, 1946,

of his intention to contribute to the Fund, and

(d) pays,

(i) an amount equal to the amount which would have been payable by him had he been permanently appointed at the date of his temporary appointment

together with interest at three per centum per annum upon the amount so payable, or

- (ii) an amount less than the amount so payable, in the manner prescribed by the regulations,

shall be entitled to credit to the extent of the payments made, in reckoning the amount of any annual allowance payable to him under this Part.

Rev. Stat.,
c. 15, s. 37,
amended.

3. Section 37 of *The Public Service Act* is amended by inserting after the figures "1927" in the tenth line the words and figures "or subsection 2 of section 32 of this Act", so that the said section shall now read as follows:

How super-
annuation
to be
calculated.

37. The superannuation allowance payable to any employee shall be calculated upon the average yearly salary of the employee during the last three years of his service and shall not exceed one-fiftieth part of such annual salary multiplied by the total number of full years of service and any fraction of a year of continuous service, and including service previous to appointment by Order-in-Council where such service has been continuous and the employee has contributed as provided by subsections 3 and 4 of section 38 of Chapter 16 of the Revised Statutes of Ontario, 1927, or subsection 2 of section 32 of this Act, but no more than thirty years of service shall be reckoned nor shall the yearly superannuation allowance exceed in any case the sum of \$2,000, nor in the case of an employee superannuated under section 38 of this Act shall such superannuation allowance be less than \$360, but in no case shall the annual allowance exceed the final annual salary of the employee.

Rev. Stat.,
c. 15, s. 46,
amended.

4. Section 46 of *The Public Service Act* is amended by adding thereto the following clause:

- (aa) prescribing the manner in which persons contributing to the Fund under subsection 2 of section 32 shall pay their contributions.

Rev. Stat.,
c. 15, s. 49,
subs. 2,
amended.

5. Subsection 2 of section 49 of *The Public Service Act* is amended by inserting after the word "chairman" in the fourth line, the words "or secretary", so that the said subsection shall now read as follows:

- (2) The payment of any benefit to an employee or his representatives under this Part, and the payment of the expenses incurred in the administration of the Fund shall be made upon a requisition in writing signed by the chairman or secretary of the Board and directing the issue of the cheque of the Treasurer of Ontario for the amount named in the requisition, and such direction shall be final and conclusive, and the cheque of the Treasurer of Ontario shall be issued for the amount stated in the requisition and the Auditor shall countersign the same, anything in *The Audit Act* to the contrary notwithstanding.

How pay-
ments to
be made.

Rev. Stat.,
c. 24.

6. Clause g of section 50 of *The Public Service Act* is repealed.

Rev. Stat.,
c. 15, s. 50,
cl. g,
repealed.

7. This Act may be cited as *The Public Service Amendment Act, 1946*.

Short title.

CHAPTER 84.

An Act to amend The Public Utilities Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Public Utilities Act* is repealed and the following substituted therefor: Rev. Stat., c. 286, s. 11, re-enacted.

- 11.—(1) A corporation may supply water to owners or occupants of land beyond the limits of the municipality. Power to supply water to owners, etc., outside a municipality.
- (2) The corporation may make any agreement that may be deemed expedient for the supply of water within or beyond the limits of the municipality for a term not exceeding ten years to any person carrying on or proposing to carry on any manufacturing business or for a term not exceeding twenty years to any railway company. Power to supply water to manufacturers and railway companies.
- (3) Where water is supplied in a municipality that has a waterworks, no pipes for such purpose shall be carried in, upon, through, over or under any highway, lane or public communication within such municipality without the consent of the council thereof. Consent to lay pipes.

2. *The Public Utilities Act* is amended by adding thereto the following sections: Rev. Stat., c. 286, amended.

- 15a.—(1) The corporation may impose a special rate or rent in respect of the cost or maintenance of a water main on persons who own or occupy land in the municipality or in a water area where the land fronts or abuts on a highway, lane or other public communication in, through or along which the main is laid, provided no such person shall be liable to pay a special rate or rent in respect of the cost of the main where local improvement rates for the main have been or are being levied upon the land so owned or occupied. Power to levy special rate. Proviso.

Manner of
collection.

(2) Such special rate or rent may be collected in the same manner and with like remedies as water rates or in the same manner and with like remedies as taxes under *The Assessment Act*.

Rev. Stat.,
c. 272.

Amount of
rate.

25a. No rate to provide for the maintenance or management of any utility shall be levied except to the extent to which the revenues from the utility are insufficient for such purposes.

Short title.

3. This Act may be cited as *The Public Utilities Amendment Act, 1946*.

CHAPTER 85.

An Act respecting Real Estate and Business Brokers.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpreta-
tion,—

- (a) "broker" shall mean a person who, for another or others, for compensation, gain or reward or hope or promise thereof, either alone or through one or more officials or salesmen, trades in real estate, and every person who holds himself out as such; "broker";
- (b) "business" shall mean an undertaking carried on for the purpose of gain or profit and shall include an interest in any such undertaking, and without limiting the generality of the foregoing, shall include boarding house, hotel, stores, tourist camp and tourist home; "business";
- (c) "official" shall include president, vice-president, secretary, treasurer, managing director, general manager, department manager, branch office manager and every person acting in a similar capacity whether so designated or not; "official";
- (d) "prescribed" shall mean prescribed by this Act or the regulations; "pre-scribed";
- (e) "real estate" shall include real property, leasehold and business whether with or without premises, fixtures, stock-in-trade, goods or chattels in connection with the operation of the business; "real estate";
- (f) "register" shall mean register under this Act; "register";
- (g) "Registrar" shall mean Registrar of Real Estate and Business Brokers appointed under this Act; "Registrar";
- (h) "regulations" shall mean regulations made under this Act; "regulations";

- "salesman"; (i) "salesman" shall mean a person employed, appointed or authorized by a broker to trade in real estate;
- "Superintendent"; (j) "Superintendent" shall mean Superintendent of Insurance appointed under *The Insurance Act*; and
- Rev. Stat., c. 256.
- "trade". (k) "trade" shall include a disposition or acquisition of or transaction in real estate by sale, purchase, agreement for sale, exchange, option, lease, rental or otherwise and any offer or attempt to list real estate for the purpose of such a disposition or transaction, and any act, advertisement, conduct or negotiation, directly or indirectly, in furtherance of any disposition, acquisition, transaction, offer or attempt, and the verb "trade" shall have a corresponding meaning.

REGISTRAR.

Registrar of Real Estate and Business Brokers. 2.—(1) There shall be a Registrar of Real Estate and Business Brokers who shall be appointed by the Lieutenant-Governor in Council.

Powers and duties of Registrar. (2) The Registrar may exercise the powers and shall discharge the duties conferred and imposed upon him by this Act and the regulations under the supervision of the Superintendent.

REGISTRATION.

Registration of brokers, salesmen, officials. 3.—(1) No person shall,—

- (a) trade in real estate unless he is registered as a broker or salesman of a registered broker;
- (b) act as an official of or on behalf of a partnership or company in connection with any trade in real estate by the partnership or company, unless he or the partnership or company is registered as a broker; or
- (c) act as a salesman of or on behalf of any partnership or company in connection with any trade in real estate by the partnership or company, unless he is registered as a salesman of the partnership or company and the partnership or company is registered as a broker.

Change in partnership. (2) Any change in the membership of a partnership shall be deemed to create a new partnership and to extinguish any existing registration.

Salesman,—registration of. 4.—(1) A salesman may only be registered where he is the salesman of a registered broker.

Suspension of registration. (2) The termination of the employment of a salesman with a registered broker shall operate as a suspension of the regis-

tration of such salesman until notice in writing has been received by the Registrar from a registered broker of the employment of such salesman.

5. The Registrar may grant or refuse to grant temporary registration or temporary renewal of registration to any applicant therefor and shall forthwith report to the Superintendent any action taken by him upon any such application. Temporary registration.

6. The Superintendent shall grant registration or renewal of registration to an applicant where in the opinion of the Superintendent the applicant is suitable for registration and the proposed registration is not objectionable. Registration.

7. The Superintendent shall suspend or cancel any registration where in his opinion such action is in the public interest. Suspension, cancellation.

8. Notwithstanding any order of the Superintendent a further application may be made upon new or other material or where it is clear that material circumstances have changed. Further applications.

9. Every application shall be made in writing upon the prescribed form to be provided by the Superintendent and shall be accompanied by such fee as may be prescribed and a bond in such amount and form, subject to section 17, as may be prescribed. Application to be upon forms with proper fees and bonds.

10. Every applicant shall state in the application an address for service in Ontario and all notices under this Act or the regulations shall be sufficiently served for all purposes if delivered or sent by prepaid mail to the latest address for service so stated. Address for service.

11. The Registrar may and shall when so directed by the Superintendent, require any further information or material to be submitted by any applicant or any registered person within a specified time limit and may require verification by affidavit or otherwise of any information or material then or previously submitted. Further information.

12.—(1) Registration, in the absolute discretion of the Superintendent, may be refused to any person either as a broker or salesman who has not been a resident of Ontario for at least one year immediately prior to the date of application with the intention of making his permanent home in Ontario unless at the time of the application such person is registered either as a broker or salesman under the laws relating to real estate and business brokers and salesmen of the jurisdiction in which he last resided and has been so registered for a period of not less than one year immediately preceding Residence.

the date of such application and is otherwise suitable for registration.

Service in
forces.

(2) For the purposes of this section a person shall not be deemed to cease to reside in Ontario by reason only of his absence from Ontario as a member of His Majesty's armed forces.

Termination
and renewal
of registra-
tion.

13. Every registration and renewal of registration shall lapse on the 31st day of March in each year and every registered broker and salesman shall apply for renewal of registration on or before the 21st day of March giving full particulars of any change in the facts set forth in the latest application form on record and enclosing the prescribed fee as upon a first application.

Change in
registration
of broker.

14.—(1) Every registered broker shall notify the Registrar in writing of,—

- (a) any change in the address for service;
- (b) any change in the partners in the case of a partnership; and
- (c) the commencement and termination of employment of every salesman.

Salesman.

(2) Every registered salesman shall notify the Registrar in writing of,—

- (a) any change in his address for service; and
- (b) every commencement and termination of his employment by a registered broker.

Registrar to
make daily
deposit.

15.—(1) The Registrar shall cause all cash, cheques, money orders and postal notes to be deposited daily with the Treasurer of Ontario for payment into the Consolidated Revenue Fund.

Refund.

(2) Where an application for registration is refused or is granted after the 30th day of September or a registration is cancelled the Superintendent may recommend to the Treasurer of Ontario that a refund of the fee or of such part thereof as he deems fair and reasonable be made and the Treasurer may make such refund.

EXEMPTIONS.

Exemptions. **16.** Registration shall not be required in respect of any trade in real estate by,—

- (a) any assignee, custodian, liquidator, receiver, trustee or other person acting under the provisions of the *Bankruptcy Act* (Canada), *The Companies Act*, *The Judicature Act*, the *Winding-up Act* (Canada), or to any person acting under the order of any court, or any executor or trustee selling under the terms of any will, marriage settlement or deed of trust; R.S.C., c. 11;
Rev. Stat.,
cc. 251, 100;
R.S.C.,
c. 213.
- (b) any person who is registered under *The Securities Act*, 1945, c. 22, 1945, where the trade is made in the course of and as part of his business in connection with a trade in securities;
- (c) any bank or any loan, trust or insurance company trading in real estate owned or administered by such company;
- (d) any person in respect of any mine or mining property within the meaning of *The Mining Act* and in respect of the real estate included in any Crown grant or lease of a mining claim or mineral lands under *The Mining Act* or any Act for which the same is substituted; Rev. Stat.,
c. 47.
- (e) any person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as part of the solicitor's practice; or
- (f) any person specifically exempted by the regulations in respect of any class of trades in real estate.

FORFEITURE OF BOND.

17.—(1) Any bond mentioned in section 9 shall be forfeit and the amount thereof shall become due and owing by the person bound thereby as a debt due His Majesty in right of Ontario where,— Forfeiture
of bond.

- (a) a broker, including any member of a partnership, or salesman, in respect of whose conduct the bond has been conditioned has been convicted of,
 - (i) an offence under this Act, or
 - (ii) an offence involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code* (Canada); R.S.C., c. 36.
- (b) judgment based on the finding of fraud has been given against the broker, including any member of a partnership, or salesman in respect of whose conduct the bond is conditioned;

R.S.C., c. 11.

(c) proceedings by or in respect of a broker, including any member of a partnership, or salesman, in respect of whose conduct the bond is conditioned, have been taken under the *Bankruptcy Act* (Canada) or by way of winding up and a receiving order under the *Bankruptcy Act* (Canada) or a winding-up order has been made,

and such conviction, judgment or order has become final by reason of lapse of time or of having been confirmed by the highest court to which an appeal may be taken.

Term of bond.

(2) For the purposes of every act and omission occurring during the period of registration, every bond shall continue in force for a period of two years after the registration to which it relates lapses or is cancelled.

Proceedings to enforce forfeiture.

R.S.C., c. 11,
Rev. Stat.,
c. 100, 251;
R.S.C.,
c. 213.

18. Where His Majesty becomes a creditor of any person in respect of a debt to the Crown arising from the provisions of section 17, the Superintendent may take such proceedings as he shall see fit under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada) for the appointment of an interim receiver, custodian, trustee, receiver or liquidator, as the case may be.

Assignment of bond or payment of moneys to creditors.

19. The Lieutenant-Governor in Council may direct the Treasurer of Ontario to assign any bond forfeited under section 17 or to pay over any moneys recovered thereunder to any person or to the accountant of the Supreme Court in trust for such persons as may become judgment creditors of the person bonded, or to any trustee, custodian, interim receiver, receiver or liquidator of such person, as the case may be.

Where no claims against proceeds of bond.

20. Where a bond has been forfeited under section 17 by reason of a conviction or judgment under clause *a* or *b* thereof and the Superintendent has not within two years of such conviction or judgment having become final, or of the broker or salesman in respect of whom the bond was furnished ceasing to carry on business as such, received notice in writing of any claim against the proceeds of the bond or of such portion thereof as remains in the possession of the Treasurer of Ontario, the Lieutenant Governor in Council may direct the Treasurer to pay such proceeds or portion thereof to the broker or salesman, or to any person who upon forfeiture of the bond made any payments thereunder, after first deducting the amount of any expenses which have been incurred in connection with any investigation or otherwise relating to such broker or salesman.

INVESTIGATION AND ACTION BY SUPERINTENDENT.

21.—(1) Where upon a statement made under oath it ^{Order to investigate.} appears probable to the Superintendent that any person has,—

(a) violated any of the provisions of this Act or the regulations; or

(b) committed an offence under the *Criminal Code* ^{R.S.C., c. 36.} (Canada) in connection with a trade in real estate,

the Superintendent may appoint the Registrar or any other person to make such investigation as he deems expedient for the due administration of this Act and any such order shall determine and prescribe the scope of the investigation.

(2) For the purposes of any investigation ordered under ^{Idem.} subsection 1 the person appointed to make the investigation may investigate, inquire into and examine the affairs of the person in respect of whom the investigation is being made and into any books, papers, documents, correspondence, communications, negotiations, transactions, investigations, loans, borrowings and payments to, by, on behalf of or in relation to or connected with such person and into any property, ^{Scope of investigation.} assets or things owned, acquired or alienated in whole or in part by such person or by any person acting on behalf of or as agent for such person.

(3) For the purposes of subsections 1 and 2 the person making the investigation shall have the same power to ^{Power to summon witnesses and require production.} summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

(a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;

(b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;

(c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

Rev. Stat.,
c. 119.

(d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section.

Seizure of
property.

(4) Where an investigation is ordered under this section the person appointed to make the investigation may seize and take possession of any documents, records, securities or other property of the person the affairs of whom are being investigated.

Accountants;
other
experts.

(5) Where an investigation is ordered under this section the Superintendent may appoint an accountant or other expert to examine documents, records, properties and matters of the person the affairs of whom are being investigated.

Report of
investigation.

(6) Every person appointed under subsection 1 or 5 shall report the result of his investigation or examination to the Superintendent.

Report to
Attorney-
General.

22. Where upon the report of an investigation made under section 21 it appears to the Superintendent that any person may have,—

(a) violated any of the provisions of this Act or the regulations; or

R.S.C., c. 36.

(b) committed an offence under the *Criminal Code* (Canada) in connection with a transaction relating to real estate,

the Superintendent shall send a full and complete report of such investigation, including the report made to him, any transcript of evidence and any material in the possession of the Superintendent relating thereto, to the Attorney-General.

Investigation
under order
of Attorney-
General.

23. Notwithstanding the provisions of section 21, the Attorney-General may by order appoint any person, including the Superintendent or the Registrar, to make an investigation into any matter relating to a trade in real estate, in which case the person so appointed shall for the purposes of the investigation have the same authority, powers, rights and privileges as a person appointed under section 21.

Evidence
not to be
disclosed.

24. No person other than the Superintendent, the Registrar, a person appointed by the Superintendent under section 21 or a person appointed by the Attorney-General under section 23, shall without the consent of one of them, disclose any information or evidence obtained or the name of any witness examined or sought to be examined under section 21 or 23.

25. Where an investigation has been made under section 21 the Superintendent may, and where an investigation has been made under section 23 the person making the investigation shall, report the result thereof including the evidence, findings, comments and recommendations to the Attorney-General and the Attorney-General may cause such report to be published in whole or in part in such manner as he deems proper.

Reporting to
Attorney-
General,—
publication
of report.

26.—(1) The Superintendent may,—

Order to
hold or re-
frain from
dealing with
funds.

(a) where he is about to investigate or during or after the investigation of any person under the provisions of section 21 or 23; or

(b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person which in the opinion of the Superintendent is connected with or arise out of any trade in real estate or out of any business conducted by such person,

in writing or by telegram direct any person having on deposit or under control or for safe keeping any funds or securities of the person referred to in clause *a* or *b*, to hold such funds or securities or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such funds or securities from any other person having any of them on deposit, under control or for safe keeping or to hold such funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Superintendent in writing revokes such direction or consents to release any particular fund or security from such direction, provided that in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

R.S.C., c. 11
Rev. Stat.,
cc. 100, 251.
R.S.C.,
c. 213.

(2) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of such direction to any funds or security, or in case of a claim being made thereto by any person not named in such direction, may apply to the Supreme Court or a judge thereof who may direct the disposition of such funds or security and may make such order as to costs as may seem just.

Application
for direction.

(3) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Superintendent may in writing or by telegram notify any registrar of deeds or master of titles or

Notice to
registrars of
deeds or
masters of
titles.

any local master of titles that proceedings are being or are about to be taken which may affect land belonging to the person referred to in the said notice which notice shall be registered against the lands mentioned therein and shall have the same effect as the registration of a certificate of *lis pendens*, save that the Superintendent may in writing revoke or modify such notice.

APPEALS.

Notice of
direction,
decision,
etc.

27. A notice of every direction, decision, order or ruling of the Superintendent granting or refusing to grant registration or renewing, refusing to renew, suspending, cancelling or changing the registration of any broker or salesman shall be served upon the applicant, broker or salesman whose registration is thereby affected at the address appearing in the application or upon the records of the Registrar.

Review by
Superin-
tendent.

28.—(1) An applicant, broker or salesman whose registration is affected by a direction, decision, order or ruling referred to in section 27 may, by notice in writing served upon the Registrar within thirty days after the mailing of the notice, request a hearing and review by the Superintendent of the direction, decision, order or ruling.

Notice of
hearing.

(2) Where a hearing and review is requested under subsection 1 the Registrar shall send a notice in writing of the time and place thereof to the person requesting the hearing and review stating the date and place thereof.

Evidence.

(3) Upon a review the Superintendent may hear such evidence as may be submitted to him by the person requesting the review or by any other person and which in the opinion of the Superintendent is relevant to the review but shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Superintendent shall form the record.

Power on
review.

(4) Upon a review the Superintendent may by order confirm or revoke the direction, decision, order or ruling under review or may make such alteration therein or addition thereto as the Superintendent may deem proper.

Notice of
order to be
sent to
person re-
questing
review.

(5) Notice of the order made upon a review shall be sent forthwith to the person requesting the review.

Appeal to
Supreme
Court.

29.—(1) Where the Superintendent has reviewed a direction, decision, order or ruling under section 28, the person who requested the review may appeal to a justice in appeal of the Supreme Court.

(2) Every appeal shall be by notice of motion served upon the Registrar within thirty days after the mailing of the notice under subsection 5 of section 28 and the practice and procedure upon and in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure or may prescribe the practice and procedure which shall be applicable to appeals taken under this Act. ^{Form of appeal.}

(3) The Registrar shall certify to the registrar of the ^{Certificate of Registrar.} Supreme Court of Ontario,—

- (a) the direction, decision, order or ruling which has been reviewed by the Superintendent;
- (b) the order of the Superintendent upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Superintendent or other material which in the opinion of the Registrar are relevant to the appeal.

(4) The Attorney-General may designate counsel to assist ^{Counsel.} the Court upon the hearing of any appeal which is taken under this section.

30. Where an appeal is taken under section 29 the Court may by its order direct the Superintendent to make such direction, decision, order or ruling or to do such other act as the Superintendent is authorized and empowered to do under this Act or the regulations and as the Court deems proper having regard to the material and submissions before it and to the provisions of this Act and the regulations, and the Superintendent shall make such direction, decision, order or ruling or do such act accordingly. ^{Order of Court.}

31. An order of the Court shall be final and there shall be no appeal therefrom but notwithstanding such order the Superintendent shall have power to make any further direction, decision, order or ruling upon new material or where there is a material change in the circumstances and every such direction, decision, order or ruling shall be subject to the provisions of sections 27 to 30. ^{Further direction, etc.}

REGULATION OF TRADING.

32.—(1) Every broker shall keep proper books and accounts with respect to his trades in real estate and shall enter therein in the case of each trade,— ^{Books, etc., to be kept.}

- (a) the nature of the trade;
- (b) a description of the real estate involved sufficient to identify it;
- (c) the true consideration for the trade;
- (d) the names of all parties to the trade;
- (e) the amount of deposit received and a record of the disbursement thereof; and
- (f) the amount of his commission or other remuneration and the name of the party paying it.

Trust
ledger.

(2) Every broker shall maintain a trust account for every person from whom trust moneys are received in which shall be entered full details of all trust moneys so received and disbursements therefrom.

Bank
account.

33. Every broker shall maintain an account in a chartered bank, loan or trust company or Province of Ontario Savings Office in which shall be deposited all moneys which come into his hands in trust for other persons in connection with his business, and he shall at all times keep such moneys separate and apart from moneys belonging to himself or to the partnership, in the case of a partnership.

Inspection
of books,
accounts,
etc.

34.—(1) The Registrar may at any time make an inspection of the books, documents and records of any broker.

Free access
to books, etc.

(2) Upon any such inspection the Registrar shall be entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the broker, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Registrar for the purposes of the inspection.

Certificate
as to
financial
position.

35. Every broker shall, when required by the Superintendent, file a certificate satisfactory to the Superintendent as to his financial position which shall be signed by an accountant approved by the Superintendent, and by the broker, or in the case of a partnership, by all the members of the partnership.

Action for
commission
or remunera-
tion.

36. No action shall be brought for commission or for remuneration for services in connection with a trade in real estate unless at the time of rendering such services the person bringing the action was registered or exempt from registration and the court may stay any such action at any time upon summary application.

37. No action shall be brought to charge any person for the payment of a commission or other remuneration for the sale, purchase, exchange or leasing of real estate unless,—^{Idem.}

- (a) the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized;
- (b) the broker or his salesman has obtained an offer in writing which is accepted; or
- (c) the broker having been authorized in writing to list the property,
 - (i) shows the property to the purchaser, or
 - (ii) introduces the purchaser to the vendor for the purpose of discussing the proposed sale, purchase, exchange or leasing.

38. No broker or salesman shall make any representation that he or any other person will,—^{Promises to re-sell forbidden.}

- (a) re-sell or in any way guarantee or promise to re-sell any real estate offered for sale by him;
- (b) sell any of the purchaser's real estate;
- (c) procure a mortgage, extension of a mortgage, lease or extension of a lease,

unless at the time of making the representation the person making it delivers to the person to whom the representation is made, a letter or photostatic copy thereof, setting forth the representation in clear language.

39. A broker carrying on business alone and not through an incorporated company shall carry on business in his own name only and shall not use any description, words or device which would indicate that his business is being carried on by more than one person or by a company.^{Carrying on business as individual.}

40. No broker or salesman shall trade in real estate until notified in writing by the Registrar that he is registered.^{Broker not to trade until notified of registration.}

41. A person who is not registered shall neither directly nor indirectly hold himself out as being a broker or salesman.^{Unregistered person not to act as broker.}

42. Every partnership and incorporated company registered as a broker shall publish the names of every person having an interest either directly or indirectly to the extent^{Names of officers.}

of not less than ten per centum in the capital of the partnership or company as the case may be, on all letterheads and circulars in which the name of the partnership or company appears.

Advertising. **43.** Every broker shall, when advertising to purchase, sell, exchange or lease real estate, clearly indicate his own name as being the party advertising and that he is a broker, and any reference to the name of the salesman in the advertisement shall clearly indicate the broker as being the employer of the salesman.

Employment of unregistered salesman or salesman of other broker. **44.** No broker shall employ, permit or engage the salesman of another broker or an unregistered salesman to trade in real estate nor shall a broker pay commission or other remuneration to any such salesman.

Salesmen trading for other brokers. **45.** No salesman shall trade in real estate on behalf of any broker other than the broker who, according to the records of the Superintendent, is his employer, and no salesman shall be entitled to or accept any commission or other remuneration for trading in real estate from any person except the broker who is registered as his employer.

Purchase of listed real estate by broker or salesman. **46.** No broker or salesman shall purchase for himself or make an offer to purchase for himself either directly or indirectly real estate listed with him for sale, nor shall he acquire any interest therein, either directly or indirectly, until he has clearly disclosed to the listing owner complete details of his negotiations for the sale of the said property to another person.

Breaking of contract. **47.** No broker or salesman shall induce any party to a contract for purchase and sale, or rental of real estate to break such contract for the purpose of entering into a contract with another principal.

Statements to be delivered in purchase of business. **48.—(1)** Where a trade in a business is negotiated by a broker or his salesman, the broker shall before a binding agreement of purchase and sale is concluded, deliver to the person acquiring the business,—

- (a) a profit and loss statement or a statement showing the revenue and disbursements of the business during the preceding twelve months or since the acquisition of the business by the person disposing of it; and
- (b) a statement of the assets and liabilities of the business and all fixtures, goods, chattels, rights and other assets relating to or in connection with the business which are not included in the transaction,

and every such statement shall be signed by the person disposing of the business or his agent lawfully authorized in that behalf.

(2) Unless a statement of assets and liabilities is delivered in accordance with subsection 1, all fixtures, goods, chattels and rights relating to the business shall be deemed to be included in the transaction except those indicated in the statement mentioned in clause *b*. What to be deemed included in transaction.

49—(1) No broker or salesman shall request or enter into an arrangement for the payment to him of commission or other remuneration based on the difference between the price at which real estate is listed for sale and the actual sale price thereof, nor shall a broker or salesman be entitled to retain any commission or other remuneration computed upon any such basis. Type of commission prohibited.

(2) All commission or other remuneration payable to a broker in respect of the sale of real estate shall be upon an agreed amount or percentage of the sale price and where no agreement as to the amount of the commission has been entered into, the rate of commission or other basis or amount of remuneration shall be that generally prevailing in the community where the real estate is situate. Commission and remuneration on scale of.

50.—(1) Every broker and salesman shall, immediately after the execution of an agreement to list real estate for sale, exchange, lease or rent with the broker or salesman, deliver to the person who has signed the agreement a true copy thereof. Agreement to list real estate with broker

(2) No agreement to list real estate for sale, exchange, lease or rental with a broker or salesman shall be valid unless it is provided therein that such agreement shall expire on a date therein specified. Expiry of agreement.

51. Where a broker or salesman has secured from the owner of real estate a signed acceptance of an offer to sell, purchase, exchange, lease or rent such real estate, he shall immediately deliver a true copy thereof to each of the parties to the contract or their respective legal representatives. Acceptance of offer to sell, purchase, etc.

OFFENCES.

52. Every person who violates any of the provisions of this Act shall be guilty of an offence and liable to a penalty of not more than \$1,000 for a first offence nor \$2,000 for a subsequent offence and in case of either a first or a subsequent offence either in default of payment of any penalty imposed or in addition to such penalty, to imprisonment for a term not exceeding six months. Penalties.

Proceedings
to recover
penalties.

53.—(1) No proceedings to recover the penalties provided in section 52 shall be instituted except with the written consent of the Attorney-General.

Idem.

(2) No proceedings to recover the penalties provided by section 52 shall be instituted except within two years after the offence is committed.

Recovery of
penalties.
Rev. Stat.,
c. 136.

54. The penalties provided by section 52 shall be recoverable under *The Summary Convictions Act*.

GENERAL PROVISIONS.

No action
without
consent of
Attorney-
General.

55. Except with the consent of the Attorney-General, no action whatever and no proceedings by way of injunction, mandamus, prohibition or other extraordinary remedy shall lie or be instituted against any person whether in his public or private capacity in respect of any act or omission in connection with the administration or carrying out of the provisions of this Act or the regulations where such person is the Superintendent or his representative, or the Registrar, or where such person was proceeding under the written or verbal direction or consent of any one of them or under an order of the Attorney-General made under the provisions of this Act.

Regulations.

56. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing any class of trades in real estate or of real estate brokers or salesmen which shall be exempt from the provisions of this Act;
- (b) prescribing the amount and form of bonds to be furnished under this Act;
- (c) prescribing the fees payable upon applications for registration and renewal of registration and any other fees in connection with the administration of this Act and the regulations;
- (d) prescribing the practice and procedure upon investigations under sections 21 and 23;
- (e) prescribing forms for use under this Act and the regulations;
- (f) providing for the examination of applicants for registration and renewal of registration;
- (g) prescribing the form and contents of the list of persons registered under this Act which is to be prepared by

the Registrar and the date of publication thereof and governing its distribution; and

- (h) generally for the better carrying out of the provisions of this Act and the more efficient administration thereof.

57. A statement as to the registration or non-registration of any person under this Act purporting to be certified by the Superintendent or Registrar without proof of the office or signature of the person certifying, shall be receivable in evidence, so far as relevant, for all purposes in any action, proceeding or prosecution. Certificate as evidence.

58. The Registrar shall annually prepare, publish and distribute a list of all persons registered under this Act in accordance with the provisions of the regulations. List of registered persons to be published.

59. Every registration in force under *The Real Estate Brokers Act* shall, subject to the provisions hereof, continue in force under this Act. Existing registrations.

Rev. Stat., c. 247.

60. *The Real Estate Brokers Act* and *The Real Estate Brokers Amendment Act, 1941*, are repealed. Rev. Stat., c. 247; 1941, c. 49, repealed.

61. This Act shall come into force on the 1st day of June, 1946. Commencement of Act.

62. This Act may be cited as *The Real Estate and Business Brokers Act, 1946*. Short title.

CHAPTER 86.

An Act to amend The Securities Act, 1945.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of section 1 of *The Securities Act, 1945*, is ^{1945, c. 22,} amended by striking out the words "or company" in the ^{s. 1, cl. *n*,} second line, so that the said clause shall now read as follows:

(*n*) "salesman" shall mean a person employed, appointed ^{"Salesman",} or authorized by a broker to trade in securities ^{meaning of.} whether directly or through sub-agents.

2. Section 19 of *The Securities Act, 1945*, is amended by ^{1945,} adding thereto the following subsection: ^{c. 22, s. 19,}

(2) Where any prospector has been guilty of acts or ^{Exemption.} conduct which would warrant the Commission refusing to grant registration to him under this Act, the Commission may rule that the provisions of clause *l* of subsection 1 shall not apply to him or to any member of a syndicate of which he is a member.

3. Subsection 1 of section 21 of *The Securities Act, 1945*, is ^{1945, c. 22,} amended by striking out the word "upon" in the first line ^{s. 21, subs. 1,} following clause *c* and inserting in lieu thereof the word "such". ^{amended.}

4. Subsection 1 of section 30 of *The Securities Act, 1945*, ^{1945,} is repealed and the following substituted therefor: ^{c. 22, s. 30,}

(1) The Commission may,—

(*a*) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27;

Order to hold or refrain from dealing with funds.

- (b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company; or
- (c) where it is about to review or during or after the review of the registration of any person or company under the provisions of section 82,

in writing or by telegram direct any person or company having on deposit or under control or for safe keeping any funds or securities of the person or company referred to in clause *a*, *b* or *c*, to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

R.S.C.,
c. 11.

Rev. Stat.,
cc. 100, 251.

R.S.C.,
c. 213.

1945, c. 22,
amended.

5. *The Securities Act*, 1945, is amended by adding thereto the following section:

Application
for appoint-
ment of
receiver,
trustee and
manager.

30a.—(1) The Commission may,—

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27;
- (b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted

against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company; or

- (c) where it is about to review or during or after the review of the registration of any person or company under the provisions of section 82,

by originating notice apply to a judge of the Supreme Court for the appointment of a receiver, trustee and manager of the property of such person or company.

- (2) Upon an application made under subsection 1, the Court may, where it is satisfied that the appointment of a receiver, trustee and manager of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, trustee and manager of the property of such person or company.

- (3) Upon an *ex parte* application made by the Commission under this section the Court may make an order under subsection 2 appointing a receiver, trustee and manager for a period not exceeding eight days.

- (4) A receiver, trustee and manager of the property of any person or company appointed under this section shall be the receiver, trustee and manager of all of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, trustee and manager shall have authority to manage the business and affairs of the person or company and all powers necessary or incidental thereto.

- (5) An order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

- (6) Upon an application made under this section the Rules of Practice of the Supreme Court shall apply.

6. Clause *a* of subsection 7 of section 49 of *The Securities Act, 1945*, is repealed and the following substituted therefor:

- (a) which come within the classes of trades or securities in respect of which registration is not required.

1945,
c. 22, s. 55,
amended.

7. Section 55 of *The Securities Act, 1945*, is amended by adding thereto the following subsection:

When
section not
applicable.

(2) This section shall not be applicable to,—

(a) a trade through a broker who is not engaged in the primary distribution to the public of the security but is acting as the agent of the purchaser; or

(b) a sale by a person who is not engaged in the primary distribution to the public of the security.

1945, c. 22,
s. 60, subs. 2
cl. b,
re-enacted.

8. Clause *b* of subsection 2 of section 60 of *The Securities Act, 1945*, is repealed and the following substituted therefor:

(b) to the sale of any securities which come within the classes of trades or securities in respect of which registration is not required.

1945, c. 22,
s. 78,
cls. l, m,
re-enacted.

9. Clauses *l* and *m* of section 78 of *The Securities Act, 1945*, are repealed and the following substituted therefor:

(l) prescribing classes of trades or securities, in addition to the classes of trades and securities mentioned in section 19, in respect of which registration shall not be required;

(m) prescribing classes of trades or securities mentioned in section 19 in respect of which there shall cease to be exemption from registration.

1945,
c. 22, s. 82,
amended.

10. Section 82 of *The Securities Act, 1945*, is amended by adding at the end thereof the words “notwithstanding any renewal of such registration under this Act”, so that the said section shall now read as follows:

Present
registration
continued
in force.

82. Every registration in force under *The Securities Act* at the date of the coming into force of this Act shall continue in force as a registration under this Act and subject to the provisions thereof but shall be reviewed by the Commission as soon as may be notwithstanding any renewal of such registration under this Act.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Securities Amendment Act, 1946*.

CHAPTER 87.

An Act to amend The Separate Schools Act.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 26 of *The Separate Schools Act* is amended by striking out all the words after the word "same" in the third line so that the said subsection shall now read as follows: Rev. Stat.,
c. 362, s. 26,
subs. 5,
amended.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same. Granting
poll.

(2) Subsection 6 of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 362, s. 26,
subs. 6,
re-enacted.

(6) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entries in
poll book.

(6a) Ballot papers shall be pieces of plain white paper of uniform size. Form of
ballot paper.

(6b) A voter shall mark his ballot, Marking of
ballot paper.

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(6c) Each voter shall mark his ballot paper in a compartment or other place provided for such purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary Manner of
voting.

can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for such purpose.

Appoint-
ment of
scrutineer.

- (6d) Every candidate may appoint a person to act as his scrutineer during the election.

Counting
votes—
casting
vote.

- (9a) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

Declaration
of result.

- (9b) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same.

Statement
of result
of poll.

- (9c) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

Rev. Stat.,
c. 362, s. 45
cl. e,
amended.

2—(1) Clause *e* of section 45 of *The Separate Schools Act* is amended by inserting after the word "condition" in the fifth line the words "and to make provision for insuring adequately the school buildings and equipment", so that the said clause shall now read as follows:

To provide,
maintain and
insure school
premises.

- (e) acquire or rent school sites and premises, and build, repair, furnish and keep in order the school houses, furniture, fences and all other school property, and keep the wells, closets and premises in proper sanitary condition, and to make provision for insuring adequately the school buildings and equipment.

Commence-
ment of
section.

- (2) This section shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Separate Schools Amendment Act, 1946*.

CHAPTER 88.

An Act to amend The Statute Labour Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Statute Labour Act* as amended by section 5 of *The Statute Labour Amendment Act, 1945*, is re-pealed and the following substituted therefor: Rev. Stat., c. 274, s. 20, re-enacted.

20. The commissioners elected shall take before a justice of the peace a declaration of office (Form 2) and shall hold office until their successors are elected at the meeting called as provided in section 28 or where no such meeting is called until the 31st day of May in the year following that in which they were elected. Declaration. Term of office.

2. Section 26 of *The Statute Labour Act* as amended by section 8 of *The Statute Labour Amendment Act, 1945*, is further amended by adding thereto the following subsection: Rev. Stat., c. 274, s. 26, amended.

(2) The statute labour in respect of unoccupied land of a non-resident owner shall in all cases be commuted. Unoccupied land of non-resident owner.

3. Subsection 6 of section 30d of *The Statute Labour Act*, as enacted by section 12 of *The Statute Labour Amendment Act, 1945*, is repealed. Rev. Stat., c. 274, s. 30d, subs. 6 (1945, c. 23, s. 12), repealed.

4. *The Statute Labour Act* is amended by adding thereto the following section: Rev. Stat., c. 274, amended.

30e.—(1) Where it appears from the entries in the book kept by the sheriff that any amount chargeable for statute labour is in arrear for three years from the 31st day of December in the year in which the amount became payable, the sheriff shall proceed to collect such amount together with the penalties provided by section 29 and interest as provided by subsection 5 of section 30d and all other lawful charges and costs by the sale of the lands in respect

Sale of land by sheriff for arrears.

of which such arrears are chargeable and the procedure in relation to such sale and the provisions applicable to deeds, the redemption of lands thereafter and deeds to be given to purchasers shall be the same as nearly as possible as in the case of the sale of lands by the sheriff under the provisions of *The Assessment Act* for arrears of taxes in organized municipalities in the Provisional Judicial Districts of Muskoka and Parry Sound but the commissioners shall not purchase such land.

Rev. Stat.,
c. 272.

Notice of
adjourned
sale.

- (2) The sheriff shall give notice in the advertisement of an adjourned sale that if no price is offered for any land or any interest therein at such adjourned sale the land or the interest therein of the owner or person liable for the statute labour in arrear may be forfeited to the Crown and if, at the adjourned sale, no price is in fact offered, he shall forthwith notify the Minister of Lands and Forests accordingly giving a description of the land, the name of the owner or person liable for the statute labour in arrear and the amount of the arrears together with any penalties, interest, charges and costs which may be payable in respect thereof.

Forfeiture.

- (3) Upon notification by the sheriff that no price has been offered for any land or any interest therein at an adjourned sale the Minister of Lands and Forests may declare the land or the interest therein forfeited to the Crown as provided in *The Provincial Land Tax Act* in the case of land or the interest therein in respect of which the taxes imposed under that Act remain unpaid for a period of two years and the provisions of *The Provincial Land Tax Act* shall apply *mutatis mutandis* to the land or the interest therein so forfeited.

Rev. Stat.,
c. 30.

Where
forfeiture
annulled
on payment
of arrears.

- (4) Where forfeiture is annulled upon payment to the Minister of Lands and Forests in addition to any amounts payable under *The Provincial Land Tax Act* by reason of the forfeiture, of the amount of the arrears, penalties, interest, charges and costs referred to in subsection 1, the Minister of Lands and Forests shall remit to the secretary-treasurer of the commissioners the amount of such arrears, penalties and interest, and to the Minister of Highways such charges and costs.

Short title.

5. This Act may be cited as *The Statute Labour Amendment Act, 1946*.

CHAPTER 89.

The Statute Law Amendment Act, 1946.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Active Service Financial Protection Act, 1944*, is amended by striking out the word "or" where it occurs the second time in the second line and inserting in lieu thereof the word "of", so that the said section shall now read as follows:

1944
c. 2, s. 12,
amended.
12. This Act shall not apply to any proceedings by way of foreclosure, or sale under power of sale, execution of any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof.

Application
of Act.
2. Subsection 2 of section 2 of *The Administration of Justice Expenses Act* as amended by section 1 of *The Statute Law Amendment Act, 1940*, is further amended by striking out all the words after the word "thereto" in the third line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 111, s. 2,
subs. 2, re-
amended.
- (2) The Lieutenant-Governor in Council may from time to time amend or repeal any of the items and Forms in the Schedules to this Act or add thereto.

Amendments
and addi-
tions to
Schedules.
3. Subsection 2 of section 20 of *The Agricultural Associations Act* is repealed.

Rev. Stat.,
c. 80, s. 20,
subs. 2, re-
pealed.
4. Clause g of section 14 of *The Agricultural College Act* is repealed.

Rev. Stat.,
c. 374, s. 14,
cl. g, re-
pealed.
5. Section 2 of *The Agricultural Committees Act, 1944*, is amended by adding thereto the following subsection:

1944,
c. 5, s. 2,
amended.
- (3) Where two agricultural representatives have been appointed for one county or district, two committees may be formed for the county or district.

Two com-
mittees for
one county
or district.

Rev. Stat.,
c. 226, s. 15a
(1942,
c. 34, s. 2),
amended.

6. Section 15a of *The Anatomy Act*, as enacted by section 2 of *The Statute Law Amendment Act, 1942*, is amended by striking out the word "coroner" in the third line and inserting in lieu thereof the words "duly qualified medical practitioner", so that the said section shall now read as follows:

Shipment
of body.

15a. No person shall accept for shipment or ship a dead body from any place within Ontario to any place outside of Ontario unless a certificate of a duly qualified medical practitioner has been obtained certifying that the cause of death has been definitely ascertained and that there exists no other cause for inquiry or examination.

Rev. Stat.,
c. 233, s. 12,
subs. 4,
re-enacted.

7. Subsection 4 of section 12 of *The Architects Act* is repealed and the following substituted therefor:

Regulations
to be fur-
nished to
members.

(4) A copy of any regulations made under subsection 3 shall be furnished to every member of the Association.

Rev. Stat.,
c. 348, s. 12,
subs. 1,
amended.

8. Subsection 1 of section 12 of *The Bees Act*, as amended by section 5 of *The Bees Amendment Act, 1941*, is further amended by striking out the word "permit" in the fourth line and inserting in lieu thereof the word "certificate", so that the said subsection shall now read as follows:

Sale of
infected bees
or articles.

(1) The owner or possessor of an apiary shall not sell, by auction or otherwise, barter, give away or remove from the premises any bees or used apiary appliances or apparatus until he has secured a certificate from the Provincial Apiarist that such bees, used apiary appliances or apparatus have been properly disinfected and are free from disease.

Rev. Stat.,
c. 351, s. 33,
amended.

9.—(1) Section 33 of *The Cemetery Act* as amended by section 4 of *The Cemetery Amendment Act, 1941*, is further amended by striking out the words "by proclamation" in the sixth line, so that the said section shall now read as follows:

Closing
cemetery
for defective
drainage,
etc.

33. Where the Department of Health reports in writing that a cemetery is so situated that, owing to the want of proper facilities for drainage or from any other cause, the same has become or is likely to become dangerous to the health of the inhabitants of the locality or that for any other reason it is expedient that a cemetery should be closed the Lieutenant-Governor in Council may declare that the cemetery shall be closed and that no further interments shall take place therein.

Rev. Stat.,
c. 351, s. 34,
subs. 1, cl. a,
re-enacted.

(2) Clause a of subsection 1 of section 34 of *The Cemetery Act* is repealed and the following substituted therefor:

(a) a cemetery has been closed by the Lieutenant-Governor in Council as hereinbefore provided; and

10. Subsection 2 of section 4 of *The Controverted Elections Act* is repealed. Rev. Stat.,
c. 11, s. 4,
subs. 2,
repealed.

11. Section 5 of *The Corporations Tax Act, 1922*, (2) is repealed. 1922,
c. 14, s. 5,
repealed.

12.—(1) Subsection 1 of section 19 of *The County Judges Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 102, s. 19,
subs. 1,
amended.

(1) The Lieutenant-Governor in Council may order that a county or two or more counties shall form a county court district for the purposes of this Act. County
court
districts.

(2) Subsection 2 of the said section 19 is repealed. Rev. Stat.,
c. 102, s. 19,
subs. 2,
repealed.

13. Subsection 2 of section 2 of *The Crown Timber Act* is repealed. Rev. Stat.,
c. 36, s. 2,
subs. 2,
repealed.

14. Subsection 2 of section 8 of *The Department of Labour Act* is repealed. Rev. Stat.,
c. 69, s. 8,
subs. 2,
repealed.

15. Section 3 of *The Deserted Wives' and Children's Maintenance Act, 1934*, is repealed. 1934,
c. 10, s. 3,
repealed.

16. *The Election Act, 1930*, as amended by section 2 of *The Election Amendment Act, 1936*, is repealed. 1930, c. 3,
repealed.

17.—(1) Subsection 1 of section 5 of *The Embalmers and Funeral Directors Act* is amended by adding at the commencement thereof the words "Subject to the approval of the Lieutenant-Governor in Council", so that the subsection, exclusive of the clauses, shall now read as follows: Rev. Stat.,
c. 242, s. 5,
subs. 1,
amended.

(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,— Regulations.

(2) Subsection 2 of the said section 5 is repealed. Rev. Stat.,
c. 242, s. 5,
subs. 2,
repealed.

18. Subsection 1 of section 9 of *The Extra Provincial Corporations Act* is amended by striking out the words "which shall be published in the *Ontario Gazette*" in the second line, so that the subsection, exclusive of the clauses, shall now read as follows:

(1) The Lieutenant-Governor in Council may make regulations respecting,— Regulations.

19. Section 47 of *The Farm Loans Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat.,
c. 79, s. 47,
amended.

Regulations.

47. The Lieutenant-Governor in Council may make regulations for the better carrying out of this Act.

Rev. Stat.,
c. 39, s. 8,
amended.

- 20.**—(1) Section 8 of *The Forestry Act* is amended by striking out the words “by proclamation” in the fifth and sixth lines, so that the said section shall now read as follows:

Taking
townships
out of
unions.

8. Notwithstanding anything contained in *The Municipal Act*, when a township forming part of a union of townships has less than twenty-five resident freeholders whose names are entered on the last revised assessment roll, the Lieutenant-Governor in Council may, for forestry purposes, detach such township from such union of townships, upon such terms as may seem proper, and thereupon such township so detached shall cease to be incorporated and shall not thereafter without the approval of the Lieutenant-Governor in Council, become, be annexed to, or form part of a municipal corporation, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council.

Rev. Stat.,
c. 266.

Rev. Stat.,
c. 39, s. 9,
amended.

- (2) Section 9 of *The Forestry Act* is amended by striking out the words “by proclamation” in the fifth line, so that the said section shall now read as follows:

Declaring
incorporated
townships
part of
provincial
forest.

9. Notwithstanding anything contained in *The Municipal Act*, where any township has an area of less than ten per centum of such township used for farming purposes the Lieutenant-Governor in Council may for forestry purposes, declare that the township or such part of the said township as may be designated by the said Order-in-Council shall form part of a provincial forest, or be otherwise used for forestry purposes, upon such terms as may be set out in the said Order-in-Council, and for municipal or administrative purposes any balance of the said township may be attached to any adjoining township, and the said Order-in-Council may contain such provisions as may seem proper and necessary for any school section that may be affected by the said Order-in-Council.

Rev. Stat.,
c. 266.

Rev. Stat.,
c. 39, s. 12,
amended.

- (3) Section 12 of *The Forestry Act* is amended by striking out the words “by proclamation” in the second line, so that the said section shall now read as follows:

Setting apart
lands for
settlement
of settlers
removing
from un-
suitable
lands.

12. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that any township or portion of a township in Ontario suitable for settlement purposes, may be set aside for the

purpose of location of settlers whom the Minister may desire to move from locations that have been found to be unsuitable for agricultural purposes, and which it is desired to take over for forestry purposes, and the terms and conditions of location upon such lands may be fixed and determined by the said Order-in-Council.

(4) Section 14 of *The Forestry Act* is amended by striking out the words "by proclamation" in the fourth line, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 14, amended.

14. Whenever in the opinion of the Minister any lands required under this Act, or otherwise, are suitable for the creation of a provincial forest, the Lieutenant-Governor in Council may set apart such lands as a provincial forest under *The Provincial Forests Act*, notwithstanding the fact that such lands may be valuable or used for the preservation or reproduction of timber other than pine. Creation of provincial forest. Rev. Stat., c. 38.

(5) Section 15 of *The Forestry Act* is amended by striking out the words "by proclamation" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 39, s. 15, amended.

15. Upon the recommendation of the Minister the Lieutenant-Governor in Council may provide that no person shall enter upon any lands acquired under this Act or lands forming a part of any provincial forest without a permit obtained for that purpose and upon such terms and conditions as may be proper and necessary, and subject to such penalties for a breach of the terms and conditions as may be provided for by the Order-in-Council. Requiring permit for entering provincial forest.

(6) Subsection 2 of section 16 of *The Forestry Act*, as enacted by section 4 of *The Statute Law Amendment Act, 1944*, is repealed. Rev. Stat., c. 39, s. 16, sub. 2 (1944, c. 58, s. 4), repealed.

21.—(1) Section 1 of *The Guarantee Companies Securities Act* is repealed and the following substituted therefor: Rev. Stat., c. 263, s. 1, re-enacted.

1. In this Act "guarantee company" shall mean an incorporated company approved by the Lieutenant-Governor in Council and empowered to grant guarantees, bonds, policies, or contracts for the integrity and fidelity of employed persons, or in respect of any legal proceedings or for other like purposes. "Guarantee company", meaning of.

(2) Section 7 of *The Guarantee Companies Securities Act* is repealed. Rev. Stat., c. 263, s. 7, repealed.

1939, c. 18,
s. 2, re-
enacted.

22.—(1) Subsection 2 of section 9 of *The Guelph Railway Act, 1939*, is repealed and the following substituted therefor:

Number of
Commis-
sioners.

(2) The Transportation Commission shall consist of five members, of whom the mayor shall *ex officio* be one.

Method of
appoint-
ment.

(2a) Four members, who shall not be members of the council, shall be appointed by the council of the corporation at its first meeting in 1947, two of whom shall hold office for two years and until their successors are appointed, and the others shall hold office for one year and until their successors are appointed, and thereafter the council shall appoint two members at its first meeting in each year, who shall hold office for two years and until their successors are appointed.

Commence-
ment.

(2) This section shall come into force on the 1st day of January, 1947.

Rev. Stat.,
c. 191, s. 5,
cl. c,
amended.

23.—(1) Clause c of section 5 of *The Industrial Standards Act* is amended by striking out all the words after the word "schedule" in the third line, so that the said clause shall now read as follows:

(c) with the concurrence of the proper advisory committee, make an order amending the provisions of any schedule.

Rev. Stat.,
c. 191, s. 9,
repealed.

(2) Section 9 of *The Industrial Standards Act* is repealed.

Rev. Stat.,
c. 191, s. 13,
re-enacted.

(3) Section 13 of *The Industrial Standards Act* is repealed and the following substituted therefor:

Regulations.

13. The Lieutenant-Governor in Council may make such regulations as he may deem necessary for carrying out the provisions of this Act and for the efficient administration thereof.

1942,
c. 22, s. 1,
repealed.

24. Section 1 of *The Insurance Amendment Act, 1942*, is repealed.

1932, c. 26,
repealed.

25. *The Insurance (Temporary Provisions) Act, 1932*, is repealed.

Rev. Stat.,
c. 45, s. 2,
subs. 3,
repealed.

26.—(1) Subsection 3 of section 2 of *The Lakes and Rivers Improvement Act* is repealed.

Rev. Stat.,
c. 45, s. 12,
subs. 1,
re-enacted.

(2) Subsection 1 of section 12 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

(1) Every person who,—

Penalty for
contraven-
tion of Act.

- (a) constructs or maintains any dam in contra-
vention of this Part;
- (b) refuses or neglects to comply with any order
of the Lieutenant-Governor in Council or any
requirement or direction of the Minister made
under this Part; or
- (c) hinders or obstructs the engineer in the per-
formance of his duties under this Part, or re-
fuses or neglects to produce any plans, ac-
counts, documents or report relating to the
construction of a dam when required by such
engineer,

shall on summary conviction, incur a penalty not
exceeding \$500, and if after conviction such default
continues, such person shall be liable to a further
penalty of \$10 for each day upon which such default
continues.

(3) Section 21 of *The Lakes and Rivers Improvement Act* is Rev. Stat.,
c. 45, s. 21,
amended. amended by striking out the words "by proclamation" in the
first and second lines, so that the said section shall now read
as follows:

21. The Lieutenant-Governor in Council may declare Control by
Order-in-
Council.
that any lake or river shall be subject to the pro-
visions of this Part.

(4) Subsection 1 of section 22 of *The Lakes and Rivers Im-* Rev. Stat.,
c. 45, s. 22,
subs. 1,
amended. *provement Act* is amended by striking out the word "proclam-
ation" in the first and second lines and inserting in lieu thereof
the words "declaration made under section 21", so that the
first two lines of the said subsection shall now read as follows:

(1) From and after a date named in the declaration made Jurisdiction
of Minister.
under section 21, all questions arising in relation to
such lake or river,—

(5) Subsection 3 of section 27 of *The Lakes and Rivers Im-* Rev. Stat.,
c. 45, s. 27,
subs. 3,
amended. *provement Act* is amended by striking out the words "An
order made by the Minister under this section shall take effect
upon its publication in the *Ontario Gazette*, and" in the first
and second lines, so that the said subsection shall now read
as follows:

(3) Any person contravening or neglecting to obey the Enforcement
of order

terms of the order shall on summary conviction incur a penalty not exceeding \$500.

Rev. Stat.,
c. 45, s. 78,
re-enacted.

(6) Section 78 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Exemption
of territory
from opera-
tion of Part.

78. The Lieutenant-Governor in Council may from time to time declare that any part of Ontario or any water therein shall, until further declaration, be exempt from the operation of this Part, and thereupon the same shall be exempt accordingly.

Rev. Stat.,
c. 45, s. 79,
re-enacted.

(7) Section 79 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor:

Bringing
exempted
territory
again under
Part.

79. Any part of Ontario or any water therein exempted by declaration from the operation of this Part may, by declaration, be again brought within its operation until further declaration and so on from time to time.

1929,
c. 69, s. 5,
repealed.

27. Section 5 of *The Liquor Control Amendment Act, 1929*, is repealed.

Rev. Stat.,
c. 392, s. 5,
subs. 1,
amended.

28. Subsection 1 of section 5 of *The Mental Hospitals Act* is amended by striking out the words "not inconsistent with this Act" in the second line and by striking out all the words after the word "thereof" in the fourth line, so that the said subsection shall now read as follows:

Regulations.

(1) The Lieutenant-Governor in Council may make such regulations as are necessary for carrying out the provisions of this Act and for the efficient administration thereof.

Rev. Stat.,
c. 76,
ss. 10, 16,
repealed.

29. Sections 10 and 16 of *The Milk Control Act* are repealed.

Rev. Stat.,
1927, c. 229,
repealed.

30. *The Minority Shareholders Rights Act* is repealed.

Rev. Stat.,
c. 275,
repealed.

31. *The Municipal Employees Pensions Fund Act* is repealed.

Rev. Stat.,
c. 34, s. 7,
amended.

32. Section 7 of *The Northern Development Act* is amended by adding after the word "Act" in the first line the words "to which the provisions of *The Regulations Act, 1944*, do not apply", so that the said section shall now read as follows:

Orders-in-
Council to
be laid
before
Assembly.

7. Every Order-in-Council made under this Act to which the provisions of *The Regulations Act, 1944*, do not apply, shall be laid before the Assembly forthwith if the Assembly is then in session and if the Assembly

1944, c. 52.

is not then in session, then within the first fifteen days after the opening of the next session thereafter.

33. Section 2 of *The Patricia Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows: Rev. Stat., c. 5, s. 2, amended.

2. The Lieutenant-Governor in Council may at any time and from time to time detach the whole or any portion of the above described territory from the Territorial District of Kenora and may in like manner annex the whole or such part thereof to any other territorial or provisional judicial district, or may designate the whole of the above described territory or any part thereof as a separate territorial district or provisional judicial district, and nothing in this Act contained shall restrict the powers of the Lieutenant-Governor in Council under this section. Lieutenant-Governor in Council empowered to detach or annex territory.

34. *The Power Commission Declaratory Act, 1937*, is repealed. 1937, c. 58, repealed.

35.—(1) Section 2 of *The Provincial Forests Act* is amended by striking out the words "by proclamation" in the first and second lines, so that the said section shall now read as follows: Rev. Stat., c. 38, s. 2, amended.

2. The Lieutenant-Governor in Council may establish and set apart any other portions of the public domain as provincial forests, and may add to any provincial forests hereby or hereafter established. Power to set apart provincial forests.

(2) Subsection 2 of section 4 of *The Provincial Forests Act* as amended by subsection 2 of section 29 of *The Statute Law Amendment Act, 1943*, is repealed. Rev. Stat., c. 38, s. 4, subs. 2, repealed.

36. Subsection 1 of section 8 of *The Provincial Loans Act* is repealed. Rev. Stat., c. 22, s. 8, subs. 1, repealed.

37. Subsection 2 of section 8 of *The Reciprocal Enforcement of Judgments Act* is repealed. Rev. Stat., c. 124, s. 8, subs. 2, repealed.

38.—(1) Section 96 of *The Registry Act* is amended by striking out all the words after the figures "95" in the third line, so that the said section shall now read as follows: Rev. Stat., c. 170, s. 96, amended.

96. The Lieutenant-Governor in Council may from time to time amend, repeal or add to any of the clauses or items in section 95. Alterations in Registrars' fees.

(2) Subsection 2 of section 116 of *The Registry Act* is repealed. Rev. Stat., c. 170, s. 116, subs. 2, repealed.

1942,
c. 34, s. 23,
repealed.

39.—(1) Section 23 of *The Statute Law Amendment Act, 1942*, is repealed.

1942,
c. 34, s. 34,
subss. 2, 3,
repealed.

(2). Subsections 2 and 3 of section 34 of *The Statute Law Amendment Act, 1942*, are repealed.

Rev. Stat.,
c. 146, s. 12,
repealed.

40. Section 12 of *The Statute of Frauds* is repealed.

Rev. Stat.,
c. 343, s. 3,
(1938,
c. 38, s. 2),
repealed.

41. Section 3 of *The Steam Boiler Act* as enacted by section 2 of *The Steam Boiler Amendment Act, 1938*, is repealed.

1944,
c. 59, s. 1,
amended.

42.—(1) Section 1 of *The Stock Yards Act, 1944*, is amended by adding thereto the following clause:

“securities”.

(f) “securities” shall include bonds, debentures and promissory notes.

1944,
c. 59, s. 4,
re-enacted.

(2) Section 4 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor:

Objects of
the Board.

4.—(1) The objects of the Board shall be to,—

(a) acquire, construct, equip and operate livestock markets, and acquire and operate such facilities for the transportation of livestock as may be necessary for the purposes of such markets; and

(b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

Power to
borrow
money and
issue
securities.

(2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

General
objects and
powers.
Rev. Stat.,
c. 251.

(3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

1944,
c. 59, s. 6,
subss. 1,
re-enacted.

(3) Subsection 1 of section 6 of *The Stock Yards Act, 1944*, is repealed and the following substituted therefor:

Guarantee
by Province.

(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Board, and repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

43. Subsection 4 of section 27 of *The Trustee Act* is repealed.

Rev. Stat.,
c. 165, s. 27,
subs. 4,
repealed.

44. Section 4 of *The University Act* is repealed.

Rev. Stat.,
c. 372, s. 4,
repealed.

45. Notwithstanding the provisions of *The University Lands Act, 1928*, or *The University Lands Act, 1929*, the Minister of Public Works may for and in the name of His Majesty purchase or acquire, and may without the consent of the owner thereof, enter upon, take and expropriate any of the lands mentioned in section 2 of *The University Lands Act, 1928*, as amended by section 2 of *The University Lands Act, 1929*, or any interest therein, which he may deem necessary for the public purposes of Ontario or for the purposes of the University of Toronto and all the provisions of *The Public Works Act* relating to the purchase, acquisition or expropriation of lands shall apply thereto, and the Minister may convey any lands so purchased, acquired or expropriated to the University of Toronto.

University
Lands Act.

46.—(1) Subsection 1 of section 2 of *The Voters' Lists Act* is amended by striking out all the words after the word "Act" in the third line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 7, s. 2,
subs. 1,
amended.

(1) The Lieutenant-Governor in Council may prescribe rules and forms of procedure for the purpose of better carrying out the provisions of Parts I and II of this Act.

Rules and
forms.

(2) Subsection 2 of section 68 of *The Voters' Lists Act* is repealed.

Rev. Stat.,
c. 7, s. 68,
subs. 2,
repealed.

(3) Subsection 2 of section 108 of *The Voters' Lists Act* is repealed.

Rev. Stat.,
c. 7, s. 108,
subs. 2,
repealed.

47.—(1) Section 1 of *The Warehousemen's Lien Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 186, s. 1,
re-enacted.

1. In this Act,—

Inter-
pretation,—

(a) "charges" shall have the meaning assigned to it in section 2;

"charges";

(b) "goods" shall include all chattels personal other than things in action and money; and

(c) "warehouseman" shall mean a person who receives goods for storage for reward.

"warehouse-
man".

(2) Clause c of subsection 2 of section 2 of *The Warehousemen's Lien Act* is amended by inserting after the word "Act" in the second line the words "and *The Warehouse Receipts Act, 1946*," so that the said clause shall now read as follows:

Rev. Stat.,
c. 186, s. 2,
subs. 2,
cl. c,
amended.

1946,
c. 107.

- (c) all reasonable charges for any notice required to be given under the provisions of this Act and *The Warehouse Receipts Act, 1946*, and for notice and advertisement of sale, and for sale of the goods where default is made in satisfying the warehouseman's lien.

Rev. Stat.,
c. 186, s. 9,
amended.

- (3) Section 9 of *The Warehousemen's Lien Act* is amended by striking out all the words after the word "warehouseman" in the third line, so that the said section shall now read as follows:

Contract not
affected.

9. Nothing in this Act contained shall be deemed to affect the terms of the contract between the owner or bailor and the warehouseman.

Rev. Stat.,
c. 202, s. 6,
subs. 1,
amended.

- 48.—(1) Subsection 1 of section 6 of *The Woodmen's Employment Act* is amended by striking out all the words after the word "Act" in the fifth line, so that the said subsection shall now read as follows:

Regulations.

- (1) The Lieutenant-Governor in Council may make regulations respecting any of the several matters made the subject of investigation under this Act, or respecting the procedure to be followed in carrying out the provisions of this Act.

Rev. Stat.,
c. 202, s. 6,
subs. 2,
repealed.

- (2) Subsection 2 of the said section 6 is repealed.

Short title

49. This Act may be cited as *The Statute Law Amendment Act, 1946*.

CHAPTER 90.

An Act to amend The Succession Duty Act, 1939.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 2 of *The Succession Duty Act, 1939*, is amended by adding thereto the following words: 1939,
2nd Sess.,
c. 1, s. 2,
subs. 1, cl. *a*,
amended.

“provided that this clause shall not apply where there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or where such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control”,

so that the said clause shall now read as follows:

- (*a*) the value of any security which is listed on any stock exchange, or if not so listed, on which a price or quotation is obtainable from financial journals, recognized financial reports or registered brokers, shall be the closing price or quotation of such security on the day as of which such value is to be determined, or if there is no closing price or quotation on such day, then on the last preceding day on which there is a closing price or quotation, provided that this clause shall not apply where there is not a sufficiently widespread distribution of the securities of which such security forms a part to reflect the true value thereof in such price or quotation, or where such price or quotation is or may be the result of any manipulation or any exercise of any means of influence or control. Value of
listed
securities.

Proviso.

(2) Clauses *b* and *c* of subsection 1 of the said section 2 as amended by section 2 of *The Succession Duty Amendment Act, 1940*, are repealed. 1939,
2nd Sess.,
c. 1, s. 2, subs. 1,
cls. *b*, *c*,
repealed.

1939,
2nd Sess.,
c. 1, s. 2,
subs. 2,
re-enacted.

(3) Subsection 2 of the said section 2 is repealed and the following substituted therefor:

No allowance
for income
tax.

(2) In valuing any security, or any business or any interest in any business the fact that any tax under the provisions of the *Income War Tax Act* (Canada) or any similar tax may be or become payable by reason of or in respect of the payment or distribution of any accumulated surplus or other property to the holder of such security or to any person having an interest in such business, shall not be taken into consideration, unless and to the extent only that such distribution is necessary and is made for the purpose of raising money for the payment of duty.

1939,
2nd Sess.,
c. 1, s. 2,
subs. 5, cl. g,
repealed.

(4) Clause g of subsection 5 of the said section 2 is repealed.

1939,
2nd Sess.,
c. 1, s. 3,
cl. h,
re-enacted.

2. Clause h of section 3 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

(h) any money payable as a result of the death of the deceased and any interest by way of annuity or otherwise accruing or arising on the death of the deceased, under any contract of insurance within the meaning of *The Insurance Act* where the deceased was domiciled outside Ontario at the date of his death.

Rev. Stat.,
c. 256.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. e,
amended.

3.—(1) Clause e of subsection 1 of section 4 of *The Succession Duty Act, 1939*, is amended by inserting after the word “to” where it occurs the second time in the second line the words “the United Kingdom of Great Britain and Northern Ireland”, so that the said clause shall now read as follows:

(e) any property devised or bequeathed by the deceased to and any disposition to the United Kingdom of Great Britain and Northern Ireland, the Dominion of Canada, the Province of Ontario or any municipality in Ontario.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. g,
repealed.

(2) Clause g of subsection 1 of the said section 4 as amended by section 3 of *The Succession Duty Amendment Act, 1940*, is repealed.

1939,
2nd Sess.,
c. 1, s. 4,
subs. 1, cl. h,
amended.

(3) Clause h of subsection 1 of the said section 4 is amended by striking out the word “thirty” where it occurs in the first and twelfth lines respectively and inserting in lieu thereof the word “five”, so that the said clause shall now read as follows:

(h) any disposition to any person made more than five years before the date of death of the deceased, where

actual and *bona fide* enjoyment and possession of the property in respect of which the disposition is made, shall have been immediately assumed by the person to whom the disposition is made and thenceforward retained to the entire exclusion of the deceased or of any benefit to him whether voluntarily or by contract or otherwise, provided that this clause shall not apply to any disposition resulting in the making of periodic payments, except such payments as are made more than five years before the date of death of the deceased.

4.—(1) *The Succession Duty Act, 1939*, is amended by adding thereto the following section:

1939,
2nd Sess.,
c. 1,
amended.

6a. Where the deceased by his will or in any instrument or in any other manner makes any provision for exonerating any person from, indemnifying any person in respect of or reimbursing any person for the payment of any duty, inheritance or death tax or similar impost payable by reason of the death of the deceased and any property is utilized or applied, in pursuance of such provision, in so exonerating, indemnifying or reimbursing any person,—

Provision in
will exon-
erating
legatee from
payment
of tax.

(a) such property shall be property passing on the death of the deceased to or for the benefit of such person; and

(b) notwithstanding anything contained in this Act,

(i) the duty levied on any property shall be at the same rate at which duty would have been levied on or with respect to such property if no such provision had been made,

(ii) the duty levied on any person shall, with respect to any transmission or disposition to him had no such provision been made, be at the same rate at which duty would have been levied with respect to such transmission or disposition if no such provision had been made, and the duty levied on any person shall, with respect to the transmission to him by reason of such provision, be at the same rate at which duty would have been levied if no such provision had been made, and

- (iii) the duty ascertained as provided in this section shall be due and payable and interest with respect thereto shall be charged or allowed the same as the duty which would arise if no such provision had been made would be due and payable and interest with respect thereto would be charged or allowed.

Where death occurred prior to coming into force of Act of 1946.

(2) Where the deceased died before the coming into force of this Act, having by his will or any instrument or in any other manner made any provision relating to the payment of duty to the extent that any person on whom duty is levied or any person to whom or for whose benefit any property on which duty is levied passes, is exonerated from, indemnified in respect of or reimbursed for the payment of any duty, inheritance or death tax or similar impost, payable by reason of his death, and where the duty payable on or by reason of his death remains in dispute because of such provision, the persons by whom duty is payable may settle and pay all such duty on the same basis as is contained in the provisions of section 6a of *The Succession Duty Act, 1939*, as enacted by subsection 1 of this section, as though such provisions *mutatis mutandis* were contained in any Act in force at the date of death of the deceased.

1939.
2nd Sess.,
c. 1.

1939.
2nd Sess.,
c. 1, s. 7,
re-enacted.

5. Section 7 of *The Succession Duty Act, 1939*, is repealed and the following substituted therefor:

Allowance for duty paid elsewhere on same death.

7. Where estate, legacy or succession duty is payable and paid in any jurisdiction which may be designated by the Lieutenant-Governor in Council, on property in respect of which there is a transmission, the duty levied, pursuant to clause *b* of section 5, on any person to whom there is such transmission with respect to such transmission shall be reduced by the amount of the duty so paid which does not exceed the amount of the duty so levied.

1939.
2nd Sess.,
c. 1, s. 8,
subs. 1,
amended.

6.—(1) Subsection 1 of section 8 of *The Succession Duty Act, 1939*, is amended by striking out the words "provided that this subclause shall not apply to any money payable as mentioned in clause *h* of section 3" in the eighth, ninth and tenth lines of subclause ii of clause *a*, and by adding at the end of the said subsection the words "provided that this subsection shall not apply to any contract to which clause *h* of section 3 applies", so that the said subsection shall now read as follows:

Consent.

(1) On the death of any person, whether he dies domiciled in Ontario or elsewhere, unless the consent in writing of the Treasurer is obtained,—

(a) no bank, trust company, insurance company or other corporation, having its head office, principal place of business, office from which payments are made, register of transfers, or any place of transfer, in Ontario, shall deliver, assign, transfer or pay, or permit the delivery, assignment, transfer or payment of,

(i) any property situate in Ontario in which the deceased, at the time of his death, had any beneficial interest, or

(ii) any money payable as a result of death under any contract of insurance either effected, contracted for or applied for by the deceased, or in which the deceased had at the time of his death any interest, where the debt resulting in the payment of such money was situate in Ontario at the date of death of the deceased; and

(b) no person in Ontario, other than a person acting in the capacity of administering the property passing on the death of the deceased, shall deliver, assign, transfer or pay or permit the delivery, assignment, transfer or payment of any property in which the deceased had at the time of his death any beneficial interest,

provided that this subsection shall not apply to any *Proviso*. contract to which clause *h* of section 3 applies.

(2) Subsection 2 of the said section 8 is amended by striking ^{1939.} out the symbol and figures "\$1,100" in the second line and ^{2nd Sess.,} inserting in lieu thereof the symbol and figures "\$1,500", so ^{c. 1, s. 8,} amended. ^{subs. 2,} that the said subsection shall now read as follows:

(2) Notwithstanding anything contained herein, any insurance company may make payment not exceeding \$1,500 due under any contract or contracts of insurance mentioned in subsection 1 without the consent of the Treasurer and where such payment exceeds \$600 notice of such payment shall be transmitted forthwith to the Treasurer. ^{Payment of insurance policies,—where no consent necessary.}

7. Subsection 2 of section 12 of *The Succession Duty Act*, ^{1939.} ^{2nd Sess.,} is amended by striking out the words "surrogate registrar" ^{c. 1, s. 12,} of the county or district in which the application is made, ^{subs. 2,} in the third and fourth lines and inserting in lieu thereof the word "Treasurer", so that the said subsection shall now read as follows:

Filing
inventory,
etc. before
probate.

(2) The applicant for probate, letters of administration or other grant, shall at the time of making application make and file with the Treasurer an affidavit containing,—

- (a) an inventory of all the property passing on the death of the deceased and particulars of all dispositions and such inventory shall show the value of such property and dispositions; and
- (b) the name of every person who benefits by any property passing on the death of the deceased or to whom a disposition is made, the place of residence of such person and the degree of relationship in which such person stands to the deceased.

1940,
c. 29, s. 25,
repealed.

8. Section 25 of *The Succession Duty Amendment Act, 1940*, is repealed.

Commence-
ment of
Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Succession Duty Amendment Act, 1946*.

CHAPTER 91.

The Sugar Beet Subsidy Act, 1946.

Assented to March 27th, 1946.

Session Prorogued April 5th, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, section 2 of *The Sugar Beet Subsidy Act, 1944*, or *The Sugar Beet Subsidy Act, 1945*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1947.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1946.

3. This Act may be cited as *The Sugar Beet Subsidy Act*, 1946.

CHAPTER 92.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1946, and for the Public Service of the financial year ending the 31st day of March, 1947.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble.
Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1946, and for the financial year ending the 31st day of March, 1947, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole five million, eight hundred thousand dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1945, to the 31st day of March, 1946, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based. \$5,800,000
granted for
fiscal year
1945-46.

(2) From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole one hundred and one million, three hundred and thirty-five thousand, six hundred and two dollars and eighty-one cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1946, to the 31st day of March, 1947, as set forth in schedule B \$101,335,-
602.81
granted for
fiscal year
1946-47.

to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

Accounts to
be laid
before
Assembly.

2.—(1) Accounts in detail of all moneys received on account of this Province during the financial year 1945-46 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1946.

Idem.

(2) Accounts in detail of all moneys received on account of this Province during the financial year 1946-47 and of all expenditures under schedule B of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for
1945-46
unexpended
to lapse.

3.—(1) Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1946, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Appropriations for
1946-47
unexpended
to lapse.

(2) Any part of the money under schedule B appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1947, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Accounting
for expendi-
ture.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1946*.

SCHEDULE "A"

1945-46

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-six to defray expenses of:

Education Department.....\$5,800,000.00

SCHEDULE "B"

1946-47

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-seven to defray expenses of:

Agriculture Department.....	\$ 4,636,849.26
Attorney-General's Department.....	4,345,800.00
Education Department.....	29,858,450.00
Game and Fisheries Department.....	1,092,000.00
Health Department.....	15,354,390.00
Highways Department.....	1,825,300.00
Insurance Department.....	75,300.00
Labour Department.....	1,737,101.55
Lands and Forests Department.....	4,992,000.00
Legislation.....	285,475.00
Lieutenant-Governor's Office.....	10,200.00
Mines Department.....	575,000.00
Municipal Affairs Department.....	254,894.00
Planning and Development Department....	217,000.00
Prime Minister's Department.....	307,410.00
Provincial Auditor's Office.....	130,500.00
Provincial Secretary's Department.....	2,803,275.00
Provincial Treasurer's Department.....	1,676,995.00
Public Welfare Department.....	26,159,188.00
Public Works Department.....	4,756,475.00
Travel and Publicity Department.....	142,000.00
Miscellaneous.....	100,000.00

Total estimates for expenditure of 1946-

1947.....\$101,335,602.81

CHAPTER 93.

An Act to amend The Surrogate Courts Act.

*Assented to March 27th, 1946.**Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Surrogate Courts Act* is repealed.

Rev. Stat.,
c. 106, s. 9,
repealed.

2. Section 16 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the third line and inserting in lieu thereof the words "Registrar of the Supreme Court", and by striking out the words "and also a copy, certified by him to be a correct copy, of every will to which the same relate," in the sixth, seventh and eighth lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 106, s. 16,
amended.

16. On the third day of every month, or oftener if required by the surrogate court rules, every registrar shall transmit by mail to the Registrar of the Supreme Court a list, in such form and containing such particulars as may be prescribed by such rules, of the grants of probate and administration made by his court up to the last day of the preceding month, and he shall in like manner make a return of every revocation of grant of probate or administration.

Transmission to
Registrar
of Supreme
Court of
list of
grants, etc.

3. Section 17 of *The Surrogate Courts Act* is amended by striking out the words "Neither the surrogate clerk nor" at the beginning thereof, and by inserting after the word "shall" in the first line the word "not", so that the said section shall now read as follows:

Rev. Stat.,
c. 106, s. 17,
amended.

17. A registrar shall not for fee or reward draw or advise upon any will, or upon any paper or document connected with the duties of his office, for which a fee is not expressly allowed to him by the tariff.

Registrars
not to take
fees for
drawing or
advising on
certain
documents.

4. Subsection 2 of section 30 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 106, s. 30,
subs. 2,
re-enacted.

Death or
absence of
witnesses
of will of
member of
forces or
mariner.

- (2) Where upon the application for probate of the will of a person who, at the time of the execution of the will, was a member of the forces or was a mariner or seaman at sea or in the course of a voyage, it appears that the witnesses are dead or are incompetent, or that the whereabouts of the witnesses, or either of them, is unknown, the judge of the surrogate court to whom such application is made, may accept such evidence as he may consider satisfactory as to the validity and proper execution of such will notwithstanding anything contained in this Act or in the rules or regulations of the surrogate court to the contrary.

"Member of
the forces",—
defined.

- (2a) In subsection 2 "member of the forces" shall mean a member of the naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Rev. Stat.,
c. 106, s. 30,
subs. 6,
re-enacted.

- (2) Subsection 6 of the said section 30 is repealed and the following substituted therefor:

Rules and
regulations.

- (6) Subject to the approval of the Lieutenant-Governor in Council, the Rules Committee may make rules and regulations for the better carrying out of the provisions of subsections 3 and 4.

Rev. Stat.,
c. 106, s. 36,
amended.

5. Section 36 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the third line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Notice to
Registrar
of Supreme
Court of
applications.

36. Notice of every application for the grant of probate or administration shall be transmitted by the registrar, by registered post, to the Registrar of the Supreme Court by the next post after the application, and the notice shall specify the name and description or addition, if any, of the deceased, the time of his death, and the place of his abode at his decease, as stated in the affidavits made in support of the application, and the name of the person by whom the application is made, and such other particulars as may be prescribed by the surrogate court rules.

Rev. Stat.,
c. 106, s. 37,
amended.

6. Section 37 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the third line and where they appear in the fifth and sixth lines, and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

37. Unless upon special order of the court, no probate or administration shall be granted until the registrar has received a certificate, under the hand of the Registrar of the Supreme Court, that no other application appears to have been made in respect of the property of the deceased, which certificate the Registrar of the Supreme Court shall forward as soon as may be to the registrar.
- Certificate from Registrar of Supreme Court.

7. Section 38 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

38. All notices in respect of applications shall be filed and kept by the Registrar of the Supreme Court.
- Registrar of Supreme Court to file notices.

8. Section 39 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the first line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

39. The Registrar of the Supreme Court shall, with reference to every such notice, examine all notices of such applications received from the several registrars, so far as appears to be necessary to ascertain whether or not application for probate or administration in respect of the property of the deceased has been made in more than one surrogate court, and he shall communicate with the registrars as occasion may require in relation to such applications.
- Duty of Registrar of Supreme Court with reference to notices.

9.—(1) Subsection 1 of section 40 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the first and second lines and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

- (1) Where it appears by the certificate of the Registrar of the Supreme Court that application for probate or administration has been made to two or more surrogate courts, the judges of such courts respectively shall stay proceedings therein, leaving the parties to apply to a judge of the Supreme Court for such direction in the matter as he may deem necessary.
- Where application made to more than one surrogate court.

(2) Subsection 4 of the said section 40 is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Judge's
decision to
be final.

- (4) The determination of the judge shall be final and conclusive, and the Registrar of the Supreme Court shall, without delay, transmit a certified copy of the judge's order to the registrars of the surrogate courts wherein such applications were made.

Rev. Stat.,
c. 106, s. 41,
amended.

10. Section 41 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Lodging.

41. Caveats against the grant of probate or administration may be lodged with the Registrar of the Supreme Court or with the registrar of any surrogate court.

Rev. Stat.,
c. 106, s. 42,
amended.

11. Section 42 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the second and fifth lines and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Notice of
caveats.

42. Upon a caveat being lodged, the registrar shall without delay send a copy thereof to the Registrar of the Supreme Court to be entered among the caveats lodged with him, and, upon notice of an application being received from the registrar of a surrogate court under section 36, the Registrar of the Supreme Court shall without delay forward to him notice of any caveat that has been so lodged touching such application, and the notice shall accompany or be embodied in the certificate mentioned in section 37.

Rev. Stat.,
c. 106,
amended.

12. *The Surrogate Courts Act* is amended by adding thereto the following section:

Notice of
contesta-
tion of
unliquidated
claims.

- 65a.—(1) Where any claim or demand not within the meaning of subsection 1 of section 65 is made against the estate of a deceased person, or where the personal representative has notice or knowledge of the claim or demand, he may serve the claimant with the notice prescribed in the said subsection.

Application
by claimant
for order
for direc-
tions.

- (2) Within the time limits mentioned in subsection 2 of section 65 the claimant may apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

- (3) The judge shall make such order upon the application ^{Powers of judge.} for directions as he may deem just and, in particular but without limiting the generality of the foregoing, he may,—
- (a) direct the claimant to bring an action for the recovery or establishment of his claim on such terms and conditions as he may deem just; and
 - (b) where the claim or demand is not presently recoverable, may prescribe the time after which the claimant shall proceed pursuant to the directions.
- (4) By consent of the claimant and personal representa- ^{Idem.} tive the judge may direct that the trial shall take place and be disposed of before the surrogate court judge.
- (5) When an order is made under the provisions of sub- ^{Application of parts of s. 65.} section 4, subsections 11, 12, 13 and 14 of section 65 shall apply.
- (6) Any order made under subsection 2 or 3 shall be ^{Right of appeal.} subject to review by a judge of the Supreme Court in Chambers on an appeal taken in the same manner as an appeal under the rules of court from an order of the Master of the Supreme Court; and the judge may, notwithstanding the discretionary powers of the surrogate court judge, make such order on the appeal as he would have made if he had heard the application in the first instance.

13. This Act may be cited as *The Surrogate Courts Amendment Act, 1946.* ^{Short title.}

CHAPTER 94.

An Act to amend The Surveys Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Surveys Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 232, s. 18,
amended.
- (2) Where any municipal council or owner making application for a survey under the provisions of section 14, 15 or 19a is not able to pay the whole of the expenses of the survey, such council or owner may apply to the Lieutenant-Governor in Council to have all or part of the expenses paid by the Treasurer of Ontario out of such moneys as may be voted by the Legislature and appropriated for this purpose, and notwithstanding the provisions of sections 18 and 19a the Lieutenant-Governor in Council may so direct.

Where paid
by Treasurer
of Ontario.
2. All payments of expenses of surveys under the provisions of section 14, 15 or 19a of *The Surveys Act* heretofore made by the Treasurer of Ontario by direction of the Lieutenant-Governor in Council are hereby validated.

Payments
validated.
3. This Act may be cited as *The Surveys Amendment Act*, 1946.

Short title.

CHAPTER 95.

An Act to confirm Tax Sales.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All sales of land held prior to the 1st day of January, 1945, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township or in unsurveyed territory, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Tax sales
and tax
deeds con-
firmed.

Rev. Stat.,
c. 272.

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Applica-
tion of
section.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Statutory
declaration.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality or school board, as the case may be, and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality or board, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Application
of section.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Statutory
declaration.

(3) The treasurer shall deposit the statutory declaration mentioned in subsection 2 in the proper registry or land titles office where it shall be attached to the tax arrears certificate of the land in respect of which it was made.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where land with respect to which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 43 of *The Department of Municipal Affairs Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes,

interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of such conveyance.

3. Every redemption certificate registered prior to the 1st day of January, 1946, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered redemption certificates confirmed.

Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1946, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Registered vacating certificates confirmed.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Pending litigation not affected.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as to rights of Crown.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1946*.

Short title.

CHAPTER 96.

The Teachers' and Inspectors' Superannuation
Act, 1946.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpreta-
tion,—

- (a) "board" shall mean board of public school trustees, "board"; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board and board of education;
- (b) "Commission" shall mean Teachers' and Inspectors' Superannuation Commission; "Commis-
sion";
- (c) "Department" shall mean Department of Education; "Depart-
ment";
- (d) "employed" shall mean engaged, "employed";
 - (i) as a teacher in or inspector of a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which *The Vocational Education Act* applies, the Ontario College of Education, or the University of Toronto Schools, Rev. Stat.,
c. 369.
 - (ii) as a teacher in or inspector of a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in or inspector of a school outside of Ontario under a system of exchanging teachers, or otherwise, authorized by the Minister,

(iv) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or

(v) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

(vi) is a member of the staff of a technical or vocational school but, not being a teacher by profession, pursues some other occupation or calling,

(vii) is engaged only for part time to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,

(viii) is a teacher or inspector regularly engaged outside Ontario who is performing services in Ontario under a system of exchanging teachers, or otherwise, approved by the Minister, or

(ix) is a contributor to the Public Service Superannuation Fund established under *The Public Service Act*;

Rev. Stat.,
c. 15.

"fund";

(e) "fund" shall mean teachers' and inspectors' superannuation fund;

"inspector";

(f) "inspector" shall include,

(i) an inspector of the Penny Savings Bank, and

(ii) any person employed by a board in a supervisory capacity,

but no person shall be deemed to be an inspector within the meaning of this Act unless he is qualified to teach in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies in accordance with the Acts and regulations administered by the Department of Education;

Rev. Stat.,
c. 369.

"Minister";

(g) "Minister" shall mean Minister of Education;

(h)

- (h) "regulations" shall mean regulations made under this ^{"regulations";} Act;
- (i) "secretary" shall mean secretary of the Commission; "secretary";
- (j) "teacher" shall mean a person qualified to teach in a ^{"teacher".} public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies in accordance with the Acts and regulations administered by the Department of Education. R.S.O. 1937, c. 366, s. 1, *amended*.

THE COMMISSION.

2.—(1) There shall continue to be a commission to be known as the Teachers' and Inspectors' Superannuation Commission consisting of seven members who shall be appointed and elected as follows:

- (a) an actuary and three other persons appointed by the Minister triennially; and
- (b) three teachers or inspectors who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the teachers and inspectors who are contributors to the fund,
 - (i) one of whom shall be elected from and by the public and separate school female teachers and inspectors during the period of April and May, 1943,
 - (ii) one of whom shall be elected from and by the secondary school teachers during the period of April and May, 1944, and
 - (iii) one of whom shall be elected from and by the public and separate school male teachers and inspectors during the period of April and May, 1945,

and in this manner in each succeeding triennium.
R.S.O. 1937, c. 366, s. 16 (1), *part*.

(2) The Minister shall triennially designate one of the members of the Commission to be the chairman thereof.
R.S.O. 1937, c. 366, s. 16 (3).

Vacancies.

(3) A vacancy occurring among the elected members shall be filled by the election of a person to fill such vacancy, for the unexpired portion of the term, within six months after the vacancy occurs. 1943, c. 26, s. 18 (3), *amended*.

Term of office.

(4) Each member of the Commission shall continue to hold office until his successor has been duly appointed or elected, as the case may be. R.S.O. 1937, c. 366, s. 16 (5).

Place of meeting;
time of meeting.

3.—(1) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday of September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as it may be called together by the chairman.

Quorum.

(2) At any meeting of the Commission five members shall constitute a quorum. *New*.

Determining
right to
allowance.

4. The Commission shall determine the right of every applicant to receive an annual allowance or a refund of his contributions to the fund and the amount thereof. *New*.

Secretary.

5. There shall be a secretary of the Commission who shall be appointed by the Commission and paid out of the fund. *New*.

THE FUND.

Fund con-
tinued.

6.—(1) The Teachers' and Inspectors' Superannuation Fund is continued. R.S.O. 1937, c. 366, s. 2 (1), *amended*.

Custodian
of fund.

(2) The Treasurer of Ontario shall be the custodian of the fund. R.S.O. 1937, c. 366, s. 2 (2).

Actuarial
valuation.

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as at the 1st day of July, 1948, and the Minister may direct an additional valuation to be made at any time. R.S.O. 1937, c. 366, s. 11 (1), *amended*.

Receiving
gifts, etc.,
for fund.

7. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof, into the fund, to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. R.S.O. 1937, c. 366, s. 2 (11), *amended*.

INVESTMENTS.

Issue of
Ontario
Government
stock con-
firmed.

8.—(1) The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated November 1st, 1942, and bearing interest at the rate of four and three-

quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. *New.*

(2) During the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. Debentures authorized.

(3) During each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period. Issue of debentures for surplus funds.

(4) On the 1st day of November, 1952, and on the 1st day of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 3, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 3 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. *R.S.O. 1937, c. 366, s. 3 (5, 6, 7), amended.* Debentures for accumulated surplus funds.

(5) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. *New.* Debentures to be charge on Consolidated Revenue Fund.

9. All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. *New.* Securities to be deposited with Treasurer.

ACCOUNTS.

10. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out Accounts.

of the fund and any sums that are received from time to time by way of contributions to the fund or that may be paid by the Treasurer of Ontario towards the administration thereof. R.S.O. 1937, c. 366, s. 2 (5), *part, amended*.

Fiscal year. **11.** The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year for the purposes of this Act. *New*.

Interest. **12.** Except where otherwise specifically provided by this Act,—

(a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and

(b) interest shall be payable on any payment into or out of the fund, other than an annual allowance, which is not less than six months in arrears. *New*.

Audit. **13.—(1)** The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested from time to time shall be examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request. R.S.O. 1937, c. 366, s. 2 (9).

Costs and expenses of audit. (2) The costs and expenses of such audits and reports shall be paid by the Commission out of the fund. R.S.O. 1937, c. 366, s. 2 (10).

BANKING.

Bank account. **14.** An account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. R.S.O. 1937, c. 366, s. 2 (5), *part*.

Payments out of fund by cheque of Treasurer. **15.—(1)** Every allowance, every refund of an amount equal to contributions, and the expenses of the administration of this Act shall be payable out of the fund and every payment therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission. R.S.O. 1937, c. 366, s. 2 (6), *amended*.

(2) The payee of a cheque for an allowance under this Act shall indicate on the reverse thereof the number of days for which he has been employed during the month for which the cheque was issued, and the Commission may in any case direct that no further allowance be paid until compliance is made with this requirement. *New.* Days of employment to be indicated.

16. The Treasurer of Ontario, as custodian of the fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may from time to time be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1942, c. 34, s. 38. Bank loans.

CONTRIBUTIONS.

17.—(1) Every teacher and inspector who is employed shall contribute to the fund four per centum of his salary. R.S.O. 1937, c. 366, s. 4 (1); 1940, c. 32, s. 1; 1945 (2nd Session), c. 8, s. 29 (1), *amended.* Contributions by teachers and inspectors.

(2) Where the salary of a teacher or inspector is at an annual rate of less than \$800 it shall, for the purposes of this section, be deemed to be at the annual rate of \$800. R.S.O. 1937, c. 366, s. 4 (3); 1945 (2nd Session), c. 8, s. 29 (2), *amended.* Salaries under \$800

(3) In this section "salary" shall include a cost of living or other bonus but shall not include any additional allowance paid to a teacher for special services performed at evening classes. *New.* "Salary" defined.

18. Any person engaged as a teacher in or an inspector of a school or class which is,— Contributions by teachers in special schools.

(a) maintained for the instruction of members of His Majesty's forces who have been discharged;

(b) conducted, by the Government of Canada or the Government of Ontario, or both; and

(c) designated by the regulations,

may, at his own option, be deemed to be employed for all the purposes of this Act. R.S.O. 1937, c. 366, s. 4 (2), *amended.*

19. Where a teacher or inspector receives part of his salary in respect of employment of a type prescribed in subclauses i Salary from different sources.

to v of clause d of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

- (a) his salary shall be deemed to be only the amount of the salary which he receives in respect of such prescribed employment; and
- (b) he shall be given credit for only that portion of each school year which bears the same proportion to the school year as the portion of his salary which he receives in respect of such prescribed employment bears to his total salary for such year. 1943, c. 26, s. 17, *amended*.

Deducting
contribu-
tions from
salaries.

20.—(1) The contributions payable by a teacher or inspector employed by a board or other authority shall be deducted by the board or other authority from each payment of the salary of the teacher or inspector and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. R.S.O. 1937, c. 366, s. 4 (5), *amended*.

Contribu-
tions to
fund to be
reported to
Commission.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were made in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. *New*.

Government
to retain
contribu-
tions out of
salaries.

21. In the case of a teacher or inspector who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such teacher or inspector shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. R.S.O. 1937, c. 366, s. 4 (7), *amended*.

When
teacher
may make
contribu-
tions
directly.

22.—(1) A teacher or inspector who is,—

- (a) granted leave of absence from his employment for any purpose and for any period permitted by the regulations;
- (b) employed by two or more boards for full time as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or
- (c) employed by a board which refuses or neglects to

comply with the provisions of section 20, or which, by reason of non-compliance with any statute or regulation, is not entitled to share in the legislative grant for the schools under its jurisdiction,

may make his contributions directly to the fund on such terms and conditions and at such times as may be prescribed by the regulations. R.S.O. 1937, c. 366, s. 4 (6), *amended*.

(2) Contributions made by teachers and inspectors men- ^{Time for}
tioned in subsection 1 may be made, — payment.

(a) in the case of a teacher or inspector referred to in clause *a* of subsection 1, not later than one year after he resumes his duties as a teacher or inspector and not thereafter, and no interest shall be chargeable thereon; and

(b) in the case of a teacher or inspector referred to in clause *b* or *c* of subsection 1, at any time, together with interest from the 1st day of July following the school year in respect of which the contributions are made, provided that no interest shall be payable on amounts paid on or before the 31st day of December next following such 1st day of July. *New*.

23. Any contribution which through error has not been ^{Error in}
received in the regular way and at the customary time may be ^{tendering}
subsequently accepted by the Commission. *New*. ^{contribution.}

24. The Treasurer of Ontario shall, annually and at the ^{Annual con-}
same time as contributions are placed to the credit of the fund ^{tributions}
under section 20, place to the credit of the fund sums equal to ^{by Province.}
those contributed by the teachers and inspectors under section 17. 1944, c. 56, s. 20, *amended*.

25. All sums placed to the credit of the fund during any ^{Interest.}
fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 366, s. 2 (4), *amended*.

26. Any change made in the rates of the contributions to ^{Change in}
the fund shall, unless otherwise specifically provided in the ^{rates.}
Act effecting such change, become effective as of the 1st day of September next following the coming into force of such Act. *New*.

TYPES OF ALLOWANCES.

Annual
allowance
on retire-
ment.

27.—(1) Every teacher and every inspector who,—

- (a) has been employed for not less than thirty-six school years;
- (b) is not less than,
 - (i) in the case of a male, sixty-five years of age, and
 - (ii) in the case of a female, sixty-two years of age; and
- (c) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

Amount of
allowance.

(2) The amount of such allowance shall be computed by dividing the amount of his average salary for the years subsequent to the 1st day of April, 1917, for which he made contributions to the fund, by sixty and multiplying the quotient by a number equal to the number of school years for which he was employed, but not exceeding thirty-six, provided that,—

- (a) for the purpose of computing the amount of the allowance,
 - (i) each school year for which he made contributions to the fund shall count as a school year of employment,
 - (ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which contributions were paid into the fund, shall count as a school year of employment,
 - (iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of employment, and
 - (iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions were paid into the fund pursuant to *The Public Service Act*, shall count as a school year of employment;

- (b) if the average salary for the number of years during which he has made contributions to the fund is equal to or exceeds \$800, the minimum annual allowance shall be \$500, but if less than \$800, the minimum annual allowance shall be sixty per centum of the average salary; and
- (c) if the amount of such annual payment as above computed is more than \$1,500, the amount of the annual payment shall be \$1,500, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,500 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity. 1945 (2nd Session), c. 8, s. 30 (1), *amended*.

28.—(1) Every teacher and every inspector who,—

Retirement
after forty
years'
service.

(a) has been employed for not less than forty school years; and

(b) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27. 1945 (2nd Session), c. 8, s. 30 (2), *part, amended*.

Amount of
allowance.

29.—(1) Every teacher and every inspector who,—

Retirement
after thirty
years'
service.

(a) has been employed for not less than thirty school years; and

(b) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the teacher or inspector, provided that no such annual allowance shall be less than the amount obtained by multiplying \$7 by a number equal to the number of school years for which the teacher or inspector has been employed. 1945 (2nd Session), c. 8, s. 30 (2), *part, amended*.

Amount of
allowance.

30.—(1) Every teacher and every inspector who,—

Retirement
on account
of total and
permanent
disability.

(a)

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime.

Amount of allowance.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27. R.S.O. 1937, c. 366, s. 6 (4); 1940, c. 32, s. 2 (4), *amended*.

Retirement on account of permanent disability as teacher or inspector.

31.—(1) Every teacher and every inspector who,—

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime.

Amount of allowance.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the teacher or inspector, provided that no such allowance shall be less than \$240 per annum with an additional \$10 for each year by which the age of the applicant exceeds sixty years at the time the applicant ceased to be employed. R.S.O. 1937, c. 366, s. 6 (5); 1940, c. 32, s. 2 (5), *amended*.

Applicant with impairment.

32.—(1) Where the medical examination prescribed for admission to the Ontario College of Education, the Ontario Training College for Technical Teachers or a normal school discloses in any applicant a mental or physical impairment, defect or condition which in the opinion of the examiner would not render such applicant unfit as a teacher or inspector but might subsequently render him incapable of being employed

as a teacher or inspector, such applicant shall be admitted to the college or school only after he signs a consent, in the form prescribed by the regulations, to have the provisions of this section apply to him in the event of his becoming a teacher or inspector.

(2) Every teacher and every inspector who has signed a *Allowance*. consent under subsection 1, who,—

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime. 1940, c. 32, s. 3, *part*, amended.

(3) The amount of such allowance shall be,—

Amount of allowance.

- (a) in the case of a teacher or inspector who has been employed for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* ^{R.S.C., c. 7.} (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and
- (b) in the case of a teacher or inspector who has been employed for not less than thirty school years,
 - (i) the amount which he would be entitled to receive under section 27, 28 or 29, or
 - (ii) the amount as computed in the manner prescribed by clause *a*,

whichever is the larger. *New.*

33.—(1) A teacher or inspector may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed direct that the annual allowance to which he would be entitled shall be *Annuity in lieu of annual allowance.*

converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate,—

- (a) in the case of a married teacher or inspector, to his surviving spouse; and
- (b) in the case of any other teacher or inspector, to any dependent named in any such direction. 1945 (2nd Session), c. 8, s. 31.

Where direc-
tion not
given.

(2) A teacher or inspector who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an annual allowance, give such a direction upon passing a medical examination satisfactory to the Commission. R.S.O. 1937, c. 366, s. 7 (3), *amended*.

Revocation
of direction.

(3) A teacher or inspector who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where
direction
not
effective.

(4) Where a teacher or inspector who has given a direction under this section dies,—

- (a) before he makes application for the annual allowance to which he would be entitled; or
- (b) before he ceases to be employed as a teacher or inspector,

the direction shall have no effect. *New*.

PAYMENT OF ANNUAL ALLOWANCES.

Applica-
tions for
allowances.

34. An annual allowance shall be made only upon an application therefor, in the prescribed form, being made to the Commission. *New*.

Proof of
disability.

35. No application for an annual allowance under section 30, 31 or 32 shall be considered by the Commission until the Commission has obtained,—

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of an official medical referee appointed by the Commission containing such recommendations as he may deem proper with regard to the granting of an annual allowance to the applicant. *New*.

36. A teacher or inspector shall not at any one time be entitled to receive more than one annual allowance under this Act. *New.* Only one allowance to be received.

37. Every annual allowance to a teacher or inspector shall be payable in monthly instalments and shall be apportionable to the date of death. R.S.O. 1937, c. 366, s. 6 (3), *amended.* Allowance to be paid monthly and to be apportionable.

38. Every annual allowance shall commence as of the first day of the month next following the month during which the teacher or inspector ceased to be employed, provided that an annual allowance under section 30, 31 or 32 shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. *New.* Commencement of allowance.

39.—(1) Where a teacher or inspector who is receiving an annual allowance under section 27, 28 or 29 becomes employed upon either a temporary or a permanent basis he shall forthwith give notice thereof to the Commission in writing and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. Re-employment, notice of where service allowance

(2) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a temporary or a permanent basis he shall forthwith give notice thereof to the Commission in writing and in default of so doing shall forfeit any further claim to any benefit under the Act unless the Commission otherwise directs. R.S.O. 1937, c. 366, s. 14, *amended.* disability allowance.

40.—(1) Where a teacher or inspector who is receiving an annual allowance under section 27, 28 or 29 becomes employed,— Re-employment, effect of where service allowance;

(a) the annual allowance shall cease to be paid; and

(b) he shall contribute to the fund during the period that he is employed.

(2) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes employed,— disability allowance.

(a) the annual allowance shall cease to be paid;

(b) he shall contribute to the fund during the period that he is employed; and

(c) he shall repay to the fund the amount of the annual allowance received by him, with accumulated interest.

Idem.

(3) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes engaged as a teacher or inspector in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

(a) the annual allowance shall cease to be paid; and

(b) he shall repay to the fund the amount of the annual allowance received by him, with accumulated interest.
New.

Resump-
tion of
service
allowance.

41. Where a teacher or inspector receiving an annual allowance under section 27, 28 or 29, having become employed, again ceases to be employed,—

(a) in the case of a teacher or inspector who has been so employed for a period of less than two school years, payment of the annual allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;

(b) in the case of a teacher or inspector who has been so employed for a period of not less than two school years an application for an annual allowance shall be treated as an application for a new annual allowance; and

(c) in no case shall he be entitled to receive an annual allowance under section 30, 31 or 32. 1945 (2nd Sess.), c. 8, s. 30 (1), *part, amended.*

Recipient
of disability
allowance
becoming
employed.

42. Where a teacher or inspector receiving an annual allowance under section 30, 31 or 32 becomes employed or becomes engaged as a teacher or inspector in any school or institution either within or outside of Ontario,—

(a) any application subsequently made for an annual allowance shall be treated as an application for a new annual allowance; and

(b) any annual allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount which he has failed to repay to the fund in accordance with the provisions of section 40. *New.*

Evidence of
mental or
physical
condition.

43.—(1) The Commission may at any time require a teacher or inspector who,—

(a) is receiving an annual allowance under section 30 or 31; or

(b) having been employed for less than thirty years, is receiving an annual allowance under section 32,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the teacher or inspector fails to furnish evidence that his mental or physical condition continues to be of a nature which would entitle him to receive an annual allowance under the section pursuant to which his annual allowance is paid, the Commission may direct that the annual allowance shall cease to be paid and that no further annual allowance shall be paid to him or that such other annual allowance as the Commission finds him to be entitled to shall be paid to him.

(3) Where a teacher or inspector whose annual allowance has ceased to be paid in accordance with the provisions of subsection 2 does not again become employed he shall be entitled to receive out of the fund an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 6 (7), *amended*.

44. Where the Commission is satisfied that any person to whom an allowance or any other amount is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to such person shall be made payable to his wife or child or to some other member of his family or household or to the committee of his estate and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. R.S.O. 1937, c. 366, s. 12 (2), *amended*.

45. Moneys payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every amount so payable shall be payable directly to the teacher or inspector or to his personal representative. R.S.O. 1937, c. 366, s. 12 (1), *amended*.

46. Any allowance which at the date of the coming into force of this Act is being paid under or in accordance with

clause *f* of subsection 1 of section 6 or section 15 or 18 of *The Teachers' and Inspectors' Superannuation Act*, being chapter 366 of the Revised Statutes of Ontario, 1937, shall continue to be paid and for the purposes thereof such sections shall be deemed to continue in force. *New.*

Change in
manner of
computing
annual
allowance.

47. Where any change in the manner of computing annual allowances is effected by an amendment to this Act, such amendment shall,—

- (a) come into force on the 1st day of July following the making of such amendment;
- (b) affect only annual allowances which commence on or after the date of the coming into force thereof,

unless it is specifically otherwise provided in the amending Act. *New.*

REFUNDS OF CONTRIBUTIONS.

Application
for refund.

48. A refund of an amount equal to the contributions of a teacher or inspector shall be made only upon an application therefor, in the prescribed form, being made to the Commission. *New.*

Right to
refund.

49.—(1) A teacher or inspector who has been employed for at least five school years and ceases to be employed by withdrawing from the profession shall be entitled to receive an amount equal to the whole of his contributions to the fund together with interest thereon at the rate of one and one-half per centum per annum compounded half-yearly from the date of the cessation of employment to the date of the refund. R.S.O. 1937, c. 366, s. 8 (1), *amended.*

Forced
retirement.

(2) A teacher or inspector who has been employed for at least fifteen school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an annual allowance under this Act, shall be entitled to receive a sum equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly. *New.*

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a teacher or inspector shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for not fewer than twenty days. *New.*

Time of
payment.

(4) No payment shall be made under subsection 1 until

three months after the date upon which the teacher or inspector ceased to be employed. *New.*

(5) Where a teacher or inspector has withdrawn his contributions from the fund and subsequently becomes employed for not fewer than twenty school days, he shall repay to the fund the amount withdrawn therefrom with interest from the date of withdrawal and where he does not make such repayment, any annual allowance or other payment out of the fund which he may subsequently become entitled to receive shall be reduced actuarially by the amount withdrawn and not repaid together with accumulated interest. R.S.O. 1937, c. 366, s. 8 (2), *amended*. Repayment on resuming teaching.

50.—(1) Where a teacher or inspector ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again becomes employed, he shall have no claim thereto. Where employed under five years.

(2) Where a teacher or inspector who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, there shall be paid to his personal representative an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. *New.* Event of death.

51. Where a teacher or inspector who is in receipt of an annual allowance under section 27, 28 or 29 becomes employed no refund of an amount equal to his contributions made after his return to employment shall be made except upon his death. *New.* Return to employment.

52. Notwithstanding the provisions of sections 50 and 51, a teacher or inspector who has been employed for fewer than twenty days in any school year shall be entitled to receive an amount equal to the whole of his contributions to the fund for that school year, without interest. *New.* Where employed under twenty days.

53.—(1) Where a teacher or inspector who is not in receipt of an annual allowance dies, his personal representative shall be entitled to receive an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 6 (8); 1940, c. 32, s. 2 (6), *amended*. Death before receiving allowance.

(2) Where a teacher or inspector dies after becoming entitled to an allowance, his personal representative shall be entitled to annual allowance. Death after becoming entitled to annual allowance.

entitled to receive out of the fund an amount equal to the amounts contributed by the teacher or inspector to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the teacher or inspector with interest to the date of death at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 9, *amended*.

REGULATIONS.

Regulations.

54. Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations,—

- (a) prescribing the powers and duties of the chairman and the secretary;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for an annual allowance and for a refund of contributions and the information and material to be furnished therewith, including the form thereof, and prescribing other information and material which shall be taken into consideration by the Commission in considering applications for allowances;
- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for annual allowances and for refunds of contributions;
- (f) requiring teachers and inspectors who are contributors to or in receipt of allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (g) authorizing the Commission to require teachers and inspectors who are contributors to or in receipt of allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (h) prescribing the system of reductions which shall be applied in computing the pensions provided for in sections 29 and 31;

- (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 33;
- (j) governing teachers and inspectors who cease to be employed because of ill health or for the purpose of taking any course of study designated by the regulations or approved by the Commission and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such teacher or inspector and the credit to which he shall be entitled in respect of the period during which he is not employed;
- (k) prescribing the conditions under which credit may be given under the Act for services performed as a teacher or inspector in another province of Canada or in any other part of the British Commonwealth of Nations where such teacher or inspector is subsequently employed in Ontario and prescribing the amount of such credit;
- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part of the British Commonwealth of Nations;
- (m) prescribing special provisions governing the conditions under which teachers and inspectors in receipt of annual allowances may become employed during any period which is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the annual allowances paid to them;
- (n) prescribing special provisions applicable to teachers and inspectors in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods by or on behalf of such teachers and the time and manner of making such contributions,
 - (iii)

- (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
- (iv) generally such provisions as may be necessary to extend to such teachers and inspectors the benefits available under this Act in respect of such periods;
- (o) respecting teachers and inspectors employed in schools whose board or teachers, or both, are reported by the Minister of Education to the Commission as having failed to comply with the provisions of any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such teachers and inspectors in respect of the period of non-compliance;
- (p) designating schools in respect of which the provisions of section 18 shall apply;
- (q) prescribing forms for use under the Act and regulations; and
- (r) generally for the better carrying out of the provisions of this Act. R.S.O. 1937, c. 366, s. 17; 1943, c. 26, s. 19; 1945 (2nd Sess.), c. 8, s. 32, *amended*.

GENERAL.

Reference
to existing
allowances.

55. All references to annual allowances made under specified sections of this Act shall, unless the context otherwise requires, be deemed to include every similar annual allowance made under a corresponding provision of any Act which has been superseded by this Act. *New*.

Contributor
at time of
coming into
force of Act.

56. A teacher or inspector who is a contributor to the fund at the time of the coming into force of this Act may, notwithstanding any of the provisions of this Act, continue to make contributions to the fund and shall accordingly be entitled to the benefits provided by this Act for contributors to the fund. *New*.

Rev. Stat.,
c. 366, s. 6,
subs. 1
(1945,
2nd Sess.,
c. 8, s. 30,
subs. 1),
amended.

57.—(1) Subsection 1 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as re-enacted by subsection 1 of section 30 of *The School Law Amendment Act, 1945*, is amended by adding thereto the following clause:

- (h) Notwithstanding anything contained in any of the preceding clauses the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection.

(2) This section shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 30th day of June, 1945, and to have effect until the 1st day of July, 1946.

58. *The Teachers' and Inspectors' Superannuation Act*, section 36 of *The School Law Amendment Act, 1938*, *The Teachers' and Inspectors' Superannuation Amendment Act, 1940*, sections 19 and 20 of *The School Law Amendment Act, 1941*, section 38 of *The Statute Law Amendment Act, 1942*, sections 16, 17, 18 and 19 of *The School Law Amendment Act, 1943*, sections 20 and 21 of *The School Law Amendment Act, 1944*, and sections 29, 30, 31 and 32 of *The School Law Amendment Act, 1945*, are repealed.

Rev. Stat.,
c. 366;
1938, c. 35,
s. 36; 1940,
s. 32; 1941,
c. 52, ss. 19,
20; 1942, c.
34, s. 38;
1943, c. 26,
ss. 16-19;
1944, c. 56,
ss. 20, 21;
1945 (2nd
Sess.), c. 8,
ss. 29-32,
repealed.

59. This Act, other than section 57, shall come into force on the 1st day of July, 1946.

Commence-
ment of Act.

60. This Act may be cited as *The Teachers' and Inspectors' Superannuation Act, 1946*.

Short title.

CHAPTER 97.

The Teachers' Boards of Reference Act, 1946.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "board" shall have the same meaning as in *The "board"; Teachers' and Inspectors' Superannuation Act, 1946*; 1946, c. 96.
- (b) "employed" shall have the same meaning as in *The "employed"; Teachers' and Inspectors' Superannuation Act, 1946*;
- (c) "judge" shall mean judge of a county or district "judge"; court;
- (d) "Minister" shall mean Minister of Education; and "Minister";
- (e) "teacher" shall have the same meaning as in *The "teacher". Teachers' and Inspectors' Superannuation Act, 1946*. 1938, c. 42, s. 2; 1943, c. 26, s. 20, *amended*.

2.—(1) Every dismissal or termination of employment of a teacher by a board shall be by notice in writing which shall indicate the reasons for such dismissal or termination. 1943, c. 26, s. 21 (2), *amended*.

(2) Notwithstanding anything contained in any other Act, where a teacher employed by a board is dismissed or the engagement of such teacher is terminated by the teacher or the board in a manner not mutually agreeable, such teacher or board may at any time within fifteen days of receiving the notice of such dismissal or termination, apply in writing to the Minister for a board of reference, setting forth in such application the nature of the dispute. 1938, c. 42, s. 3 (1); 1943, c. 26, s. 21 (1), *amended*.

(3) The applicant shall forthwith cause a copy of the application to be served by personal service or by prepaid registered post upon the other party to the dispute. *New*.

3.—(1) A board shall not make a permanent appointment in place of a teacher who is dismissed or whose appointment is terminated. *Appointment in place of teacher dismissed.*

has been terminated in a manner not agreeable to the teacher until,—

- (a) the time prescribed for applying for a board of reference has elapsed;
- (b) notice in writing has been received from the teacher that no application will be made under section 2;
- (c) notice in writing has been received from the Minister that an application made by the teacher under section 2 has been withdrawn; or
- (d) ten days have elapsed after receipt by the Minister of the report of the board of reference,

whichever of such events first occurs. 1938, c. 42, s. 9, *amended*.

Contract
for ter-
mination of
engagement
by teacher.

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board until,—

- (a) the time prescribed for applying for a board of reference has elapsed;
- (b) notice in writing has been received from the board that no application will be made under section 2;
- (c) notice in writing has been received from the Minister that an application made by the board under section 2 has been withdrawn; or
- (d) ten days have elapsed after receipt by the Minister of the report of the board of reference,

whichever of such events first occurs. *New*.

Application
for board of
reference.

4.—(1) Upon receipt of an application for a board of reference the Minister shall send notice of such application by prepaid post to the other party to the dispute and inquire into the dismissal or termination of employment and may,—

- (a) direct the continuance in force of the contract of employment between the board and the teacher for a period not exceeding one year; or
- (b) direct a judge to act as chairman of a board of reference.

Security for
costs.

(2) Before directing a judge to act as chairman of a board of reference the Minister may require the applicant to furnish

security for costs in such amount and in such form as he may deem advisable.

(3) Upon directing a judge to act as chairman of a board of reference, the Minister shall cause notice thereof to be sent by prepaid registered post to the board and teacher involved in the dispute and such notice shall require each of them to name a representative to such board and to notify the Minister of such nomination by prepaid registered post or other notice satisfactory to the Minister within twelve days of the sending of the notice by the Minister.

Naming of
repre-
sentatives.

(4) Where the applicant fails to comply with the requirements of subsection 3 the reference shall not proceed and where either the board or teacher, not being the applicant, fails to comply with such requirements, the chairman shall name a representative for the board or teacher, as the case may be.

Failure to
name repre-
sentative.

5. The chairman shall with all convenient speed, and upon reasonable notice thereof to the parties, convene the board of reference in such suitable building as may be available.

Place and
time of
hearing.

6.—(1) It shall be the duty of the board of reference to inquire into the matter in dispute and for such purpose the chairman shall have all the powers and rights which may be conferred upon a commissioner under *The Public Inquiries Act*.

Duty to
inquire.
Powers of
Judge.
Rev. Stat.,
c. 19.

(2) Every meeting of the board of reference shall be held *in camera*.

Meetings
of board
to be held
in camera.

7. Upon the completion of the hearing, the board of reference shall report to the Minister.

Board of
reference
to report.

8. Where the report of the board of reference recommends the continuance in force of the contract of employment between the board and teacher, the Minister shall direct the continuance in force of such contract for a period of one year or for such lesser period as the board of reference has recommended or as the Minister deems advisable.

Continu-
ance of
contract.

9. A direction of the Minister made under section 4 or 8 shall be binding upon the board and the teacher to whom it is directed.

Direction of
Minister.

10.—(1) Where a board fails to comply with a direction of the Minister made under section 4 or 8, any amounts then

Failure to
comply with
direction of
Minister.

or thereafter payable to the board under the authority of any Act of this Legislature shall not be paid to the board until it has complied with such direction.

Idem.

(2) Where a teacher fails to comply with a direction of the Minister made under section 4 or 8, the Minister may suspend the certificate of qualification of such teacher for such period as he may deem advisable. 1943, c. 26, s. 23, *part, amended*.

Costs.

11. Subject to the regulations, the chairman may determine and fix the costs of the board of reference including counsel fees and other expenses occasioned by each of the parties to the dispute and may make such order as to costs as he may deem proper and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1938, c. 42, s. 8, *amended*.

Regulations.

12. The Lieutenant-Governor in Council may make regulations,—

- (a) fixing the remuneration of chairmen and members of boards of reference and defining, prescribing and limiting other items of expense including travelling and living expenses which shall be included in the costs of a board of reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) generally for the better carrying out of the provisions of this Act. 1938, c. 42, s. 10; 1943, c. 26, s. 24, *amended*.

1938, c. 42:
1943, c. 26,
ss. 20-24,
repealed.

13. *The Teachers' Boards of Reference Act, 1938*, and sections 20, 21, 22, 23 and 24 of *The School Law Amendment Act, 1943*, are repealed.

Short title.

14. This Act may be cited as *The Teachers' Boards of Reference Act, 1946*.

CHAPTER 98.

An Act to amend The Territorial Division Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Territorial Division Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 2, s. 3,
amended.

(3) The Township of Tuscarora shall continue to be Tuscarora
Township. united to and form part of the County of Brant for judicial purposes, but shall be withdrawn from and shall not form part of the County of Brant for municipal purposes.

2. This Act may be cited as *The Territorial Division Amendment Act, 1946.* Short title.

CHAPTER 99.

An Act to amend The Toronto General Hospital Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Toronto General Hospital Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 396, s. 2,
amended.

(2) The Lieutenant-Governor in Council may appoint one of the trustees to be chairman of the Board. Chairman
of Board.

2.—(1) Subsection 1 of section 3 of *The Toronto General Hospital Act* is amended by striking the words "and until their successors are appointed" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 396, s. 3,
subs. 1,
amended.

(1) The trustees hereafter appointed by the corporation of the City of Toronto shall hold office for one year. Term of
office.

(2) Subsection 2 of the said section 3 is amended by striking out the words "by the Lieutenant-Governor in Council and" in the first and second lines, and the words "and until their successors are chosen", in the fourth line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 396, s. 3,
subs. 2,
amended.

(2) The trustees hereafter appointed by the Governors of the University of Toronto and those elected by the subscribers shall hold office for three years. Idem.

3. Section 4 of *The Toronto General Hospital Act* is amended by inserting after the word "trustees" in the first line the words "except those appointed by the Lieutenant-Governor in Council" so that the said section shall now read as follows: Rev. Stat.,
c. 396, s. 4,
amended.

4. All trustees except those appointed by the Lieutenant-Governor in Council shall be appointed or elected Time of
appointment
or election.

in the month of January in each year in the place of those whose term of office expires.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title

5. This Act may be cited as *The Toronto General Hospital Amendment Act, 1946.*

CHAPTER 100.

An Act respecting the Regulation of Tourist
Camps.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "cabin" shall include house, cottage, kitchen, office, administration building, apartment, room, lodge, hut, tent, storehouse, shop, canteen, wash-house, bath-house, water-closet, privy, and other structure for the accommodation of the owner, operator, manager, or employees of a tourist camp, or of the public at a tourist camp;
- (b) "Minister" shall mean Minister of Travel and Publicity;
- (c) "regulations" shall mean regulations passed under the authority of this Act;
- (d) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and
- (e) "trailer" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and shall include any such vehicle notwithstanding that its running gear is removed or that it is not resting upon its wheels, but shall not include any such vehicle unless it is used for living, sleeping or eating accommodation of persons.

Regula-
tions.

2.—(1) The Lieutenant-Governor in Council may make regulations in respect of tourist camps,—

- (a) providing for the licensing thereof including the suspension and cancellation of licences and prescribing the fees payable for licences and renewals thereof;
- (b) providing for the classification thereof according to standards required by the regulations and requiring the display in every tourist camp of notice of such classification;
- (c) providing for the inspection thereof including the powers and duties of inspectors and the designating of officials and employees of the government of Ontario and of municipal councils who shall be deemed to be inspectors;
- (d) prescribing ground plans including specifications governing the relative positions of and distances between the various buildings and facilities;
- (e) prescribing specifications governing the construction and size of cabins and the space and other requirements in respect of the location of cabins, the pitching of tents and the parking of vehicles and trailers;
- (f) prescribing cubic space requirements in respect of living and sleeping accommodation;
- (g) prescribing the maximum number of tourist camps or cabins, or both, in any defined area;
- (h) prescribing fire prevention and fire fighting precautions, measures and equipment which shall be taken and maintained;
- (i) requiring the maintaining by the operator of each tourist camp of a register of persons, motor vehicles and trailers using the tourist camp;
- (j) governing the manner in which the grounds, cabins, facilities and equipment of tourist camps shall be maintained, including rules respecting the cleaning, fumigating and sterilizing thereof;
- (k) prescribing requirements in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food handling, disposal of garbage and other waste, and other matters pertaining to the health and welfare of persons using the tourist camp; and

- (l) prescribing rules to be observed by persons using tourist camps.

(2) The Lieutenant-Governor in Council may in such regulations provide that,— Application of regulations.

- (a) any of the regulations shall apply only in defined portions of Ontario; and

- (b) any of the regulations shall apply to tourist camps established before or after a specified date.

3. Regulations made pursuant to clauses *d* to *l* of subsection 1 of section 2 shall be regarded as minimum requirements and the council of a city, town, village or township may, by by-law, prescribe further requirements with regard to any of the matters therein enumerated. Regulation of camps by municipality.

4.—(1) The councils of cities and towns shall be responsible for the inspection of tourist camps within the territorial limits thereof and for the enforcement of the regulations and of any by-law passed under section 3, but inspection by any inspector designated by the Minister shall not thereby be precluded. Municipality to be responsible for inspection of camps.

(2) Where proceedings under *The Summary Convictions Act* in respect of a violation of the regulations or a by-law of a city or town passed under this Act are instituted by an official or employee of the city or town who is charged with enforcing or assisting in the enforcement of the regulations or by-law, any fine imposed as the result of such proceedings shall be payable to the corporation of the city or town. Fine payable to city or town. Rev. Stat., c. 136.

(3) The official of every city and town who is designated by the Minister shall make such reports upon the inspection and condition of tourist camps within the territorial limits of the municipality as the Minister may require. Report to Minister.

5.—(1) Every person who violates any of the provisions of the regulations or of a by-law passed pursuant to section 3 shall be guilty of an offence and liable to a penalty not exceeding \$100. Penalty,—

(2) The penalty provided by this section shall be recoverable under *The Summary Convictions Act*. recovery of. Rev. Stat., c. 136.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

7. This Act may be cited as *The Tourist Camp Regulation Act, 1946*. Short title.

CHAPTER 101.

An Act respecting the Survey of Part of the
Township of Methuen.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The side lines between lots in the fifth concession of the ^{Side lines.} Township of Methuen in the County of Peterborough com- ^{Rev. Stat.,} mencing with the line between lots 4 and 5 and continuing ^{c. 232.} to the northerly limit of the said township shall be drawn in the manner required by *The Surveys Act* in the case of a township where only a single row of posts has been planted on the concession lines and the lands have been described in whole lots, and shall be drawn from the lot angles at the eastern front of such concession.
2. The monuments and posts along the westerly limit of ^{Monuments.} the fifth concession of the said Township of Methuen heretofore confirmed under *The Surveys Act* shall not be the true and unalterable boundary with respect to the side lines between the lots northerly from the side line between lots 4 and 5 in such concession.
3. This Act shall be cited as *The Township of Methuen* ^{Short title.} *Survey Act, 1946.*

CHAPTER 102.

An Act to provide for the Control of the Cutting
of Trees.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Minister of Lands and Forests the council of a county, and in a territorial district the council of a township, may pass by-laws,— By-law restricting cutting of trees.

- (a) restricting and regulating the cutting of trees in any part of the county or township; and
- (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.

2. A by-law made under the Act shall not,—

Exceptions.

- (a) interfere with the right of the occupant of land to cut trees thereon for his own use;
- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*; Rev. Stat., c. 266.
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any other board or commission which is performing its functions for or on behalf of the government of Ontario;
- (d) apply to trees growing upon any highway or upon any opened road allowance; or
- (e) apply to trees growing in a woodlot having an area of not exceeding two acres.

3. Any person who violates the provisions of any by-law or regulation passed or made pursuant to this Act shall be guilty of an offence and liable to a penalty of not exceeding \$500 or to imprisonment for a term not exceeding three months. Penalty.

Recovery of
penalties.
Rev. Stat.,
c. 136.

4. The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act*.

Commence-
ment of Act

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title

6. This Act may be cited as *The Trees Conservation Act, 1946*.

CHAPTER 103.

An Act to amend The Venereal Diseases Prevention Act, 1942.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Venereal Diseases Prevention Act, 1942*, is amended by striking out the words “who shall direct his course of conduct and treatment” in the sixth and seventh lines, so that the said subsection shall now read as follows:

- (1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to the medical officer of health for the place in which he is ordinarily or temporarily resident.

(2) Subsection 2 of the said section 2 is amended by striking out all the words after the word “shall” in the first line and inserting in lieu thereof the words “conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister”, so that the said subsection shall now read as follows:

- (2) Every such person shall conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister.

(3) Subsection 3 of the said section 2 is repealed.

2. Subsection 1 of section 4a of *The Venereal Diseases Prevention Act, 1942*, as enacted by section 2 of *The Venereal Diseases*

Diseases Prevention Amendment Act, 1943, is amended by striking out the words "the source" in the first and second lines of clause *a* and inserting in lieu thereof the words "a source or contact", and by inserting after the word "source" in the fourth line of the said clause *a* the words "or contact", so that the said subsection shall now read as follows:

Authority
of medical
officer
of health.

(1) Where,—

- (a) any person has been named under oath as a source or contact of gonorrhoea infection or is believed by the medical officer of health to be a source or contact of such infection; and
- (b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with gonorrhoea,

the medical officer of health may, whether or not laboratory findings indicate the presence of gonorrhoea infection, proceed in the manner prescribed in clauses *a* and *b* of subsection 3 of section 4.

1942,
c. 38, s. 9,
subs. 2,
amended.

3. Subsection 2 of section 9 of *The Venereal Diseases Prevention Act, 1942*, is amended by inserting after the word "Minister" in the fourth line the words "and the medical officer of health", so that the said subsection shall now read as follows:

Failure
to attend
within
seven days.

- (2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister and the medical officer of health within fourteen days of the appointment.

1942,
c. 38, s. 11,
subs. 1,
amended.

4.—(1) Subsection 1 of section 11 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following clause:

- (*dd*) during the course of his treatment for any venereal disease changes his place of residence without giving due notice of such proposed change with his new address to the attending physician.

1942,
c. 38, s. 11,
amended.

(2) The said section 11 is amended by adding thereto the following subsection:

Summons
by personal
service.
Rev. Stat.,
c. 136.

- (3) Notwithstanding the provisions of *The Summary Convictions Act*, service of any summons issued for a violation of this Act may be effected by personal service.

5. Subsection 2 of section 17 of *The Venereal Diseases Prevention Act, 1942*, is amended by striking out the words "may be designated by a number or otherwise" in the fourth line and inserting in lieu thereof the words "shall be designated by a number", so that the said subsection shall now read as follows:

1942,
c. 38, s. 17,
subs. 2,
amended.

- (2) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any account in connection with treatment therefor, but the case shall be designated by a number and it shall be the duty of every local board of health to see that secrecy is preserved.

Secrecy as
to name.

6. Section 20 of *The Venereal Diseases Prevention Act, 1942*, is amended by inserting after the word "infected" in the first line the words "or believed to be infected", so that the said section shall now read as follows:

1942,
c. 38, s. 20,
amended.

20. Where any person infected or believed to be infected with venereal disease is a child under the age of sixteen years all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of such child shall be given to the father or mother or to the person having the custody of the child for the time being and it shall be the duty of such father, mother or other person to see that such child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, shall be liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that such father, mother or other person did everything in his power to cause such child to comply therewith.

Where
person
infected
is under
sixteen
years.

7. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1946*.

Short title.

CHAPTER 104.

An Act to amend The Veterans Housing Act, 1945.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Veterans Housing Act, 1945*, is amended by adding thereto the following sections: 1945 (2nd Sess.), c. 13, amended.

4a. Any agreement entered into pursuant to section 1 may provide for fixing the amount of money that shall be paid annually during the life of the agreement in lieu of the taxes that would otherwise be payable on land used for the purposes of this Act and occupied by tenants, provided that such amount shall not be less than \$24 in respect of each two-bedroom house and \$30 in respect of each more than two-bedroom house. Payment in lieu of taxes. Proviso.

4b. Notwithstanding any other Act, every board, commission or other body for which the council is by law required to provide money or levy rates shall be bound by the agreement mentioned in section 4a. Local boards.

4c.—(1) The money mentioned in section 4a shall be distributed by the council to each of the bodies for which the council is required by law to provide money or levy rates in the same proportion as the levy of each of such bodies bears to the total levy. Distribution of money.

(2) Any council and any local board which determines rates shall in determining the rate or rates for the year take into consideration the amount of the money mentioned in section 4a. Estimates.

4d.—(1) Where any such body is not satisfied that the distribution made by the council under section 4c was made in accordance with law, such body may apply to the Ontario Municipal Board for an order varying such distribution. Application to Municipal Board.

Powers
of Board.

- (2) Upon any such application the Board may confirm or vary the distribution made under section 4c and the order of the Board shall be final and binding.

County
rates.

- 4e. Where the assessments of the land mentioned in section 4a have been included in the valuation of the municipality for the purposes of county equalization, the equalized assessment shall be decreased by the amount of such assessments and the county rate reduced accordingly.

Right to
vote not
affected.

- 4f. The right to vote of tenants of the houses and housing accommodation erected under this Act shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner and as though this Act had not been passed.

Veterans'
holdings.

1942, c. 53,
(Canada).

2. Where lands are occupied by veterans under *The Veterans' Land Act, 1942* (Canada), agreements may be entered into between the municipality in which the land is situate and The Director, *The Veterans' Land Act*, with respect to the amount of money that shall be paid annually in lieu of taxes in respect of such land, provided that such amount shall not be less than \$60 in respect of each holding and the provisions of sections 4a to 4f of *The Veterans Housing Act, 1945*, shall apply *mutatis mutandis* thereto.

Proviso.

1945
(2nd Sess.),
c. 13.

Commence-
ment of Act;
retroactive
effect.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 26th day of June, 1945.

Short title.

4. This Act may be cited as *The Veterans Housing Amendment Act, 1946*.

CHAPTER 105.

An Act respecting Victoria Hospital, London.

Assented to March 27th, 1946.

Session Prorogued April 5th, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London, set out as the schedule hereto, is hereby declared to be valid and binding on the parties to it and they are hereby respectively authorized and required to carry out and observe the provisions and agreements on their part which it contains.

Agreement
with
University
confirmed.

2. This Act may be cited as *The Victoria Hospital London Act, 1946.*

Short title.

SCHEDULE

AGREEMENT BETWEEN THE BOARD OF HOSPITAL TRUSTEES
AND THE UNIVERSITY OF WESTERN ONTARIO, LONDON

AGREEMENT made the 1st day of January, in the year one thousand nine hundred and forty-six.

BETWEEN:

THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
WESTERN ONTARIO, hereinafter called the University,

—and—

THE BOARD OF HOSPITAL TRUSTEES OF THE CITY OF
LONDON, hereinafter called the Trustees.

This Agreement witnesseth that it is agreed by and between the parties hereto in manner following:

1. In this Agreement "Hospital" shall mean the Victoria Hospital, London.

2. The provisions of this Agreement shall be effective for a term of ten years from January 1st, 1946, and the terms of this Agreement may be annulled or changed by a two-third majority vote of all the members of the Joint Relations Committee, subject to the approval of the Board of Hospital Trustees and the Board of Governors.

3. There shall be a Medical Advisory Board which shall consist of the Heads of the various medical services of the Hospital (if the Head cannot attend he is to send a representative from his Department), the Dean of the Faculty of Medicine and of not more than four additional members elected by the Medical Staff of the Hospital, as the Trustees may designate.

4. There shall be a Joint Relations Committee of the Hospital and the University which shall be composed as follows:

The Chairman of Victoria Hospital Board of Trustees and
Two members appointed by the Board of Hospital Trustees;

Two of these three members to be elected members.

The Provincial Government representative on the Board of Hospital Trustees.

The Superintendent of Victoria Hospital.

The Chairman of the Board of Governors of the University.

The Chairman of the Medical Faculty Committee of the Board of Governors of the University.

One other member appointed by the Board of Governors.

The President of the University.

The Dean of the Faculty of Medicine of the University.

5. The Joint Relations Committee shall consider matters of mutual interest to the Hospital and the University that may arise from time to time.

6. The Trustees shall make appointments to the Active Staff of the Hospital annually on the recommendation of the Board of Governors of the University and subject to the approval of the Joint Relations Committee or a majority thereof. In making appointments to the Active Staff of the Hospital regard shall be had to the previous training and record of the appointee, his capacity to render service to the sick in the Hospital, his scientific attainments, his teaching capacity and his likelihood of professional development. No member of the Hospital Medical Staff may be dismissed without the consent of the Trustees.

7. The Trustees shall make appointments of Internes of the Hospital on the recommendation of the Medical Advisory Board.

8. In making appointments to the Staff sex shall be no bar.

9. No remuneration shall be given by public ward patients to individual members of the Clinical Active Staff.

10. Subject to the regulation of the Trustees, members of the Medical Profession of the City of London and vicinity who are not on the Active Staff of the Hospital shall have the privilege of attending patients in private and semi-private rooms as members of the Courtesy Staff.

11. All public ward patients shall be under the care and control of the Heads of the Clinical services and at the discretion of such heads shall be available for the clinical instruction of the students of the Faculty of Medicine of the University.

12. According to professional courtesy generally prevailing, doctors not on the Active Staff of the Hospital may, in consultation with the Head of the Service concerned, visit patients referred by them to the public wards in the Hospital.

13. The following shall be the services in the several departments of the Hospital:

- (a) In Medicine, one service, to be increased to two or three co-ordinate services as necessity arises;
- (b) In Surgery, one service, to be increased to more as necessity arises;
- (c) In Obstetrics and Gynaecology, one service, to be increased to more as necessity arises;
- (d) In Ophthalmology, Otology, Rhinology and Laryngology, one service, to be increased to more as necessity arises;
- (e) In Pathology and Bacteriology, two services, to be increased to more as necessity arises;
- (f) In Clinical Pathology, one service;
- (g) In Anaesthetics, one service;
- (h) In Paediatrics, one service;
- (i) In Radiology, one service, increasing to two or more as necessity arises;
- (j) In Physiotherapy, one service;
- (k) Other services deemed necessary from time to time. The Joint Relations Committee to have power to establish such services.

14. Each of the services in the several departments shall be under a head with such associates and assistants appointed subject to regulations in clause No. 6.

15. The several services in all clinical departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for all such patients.

In Witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

In the Presence of:

Ruth Hevey,

THE UNIVERSITY OF WESTERN
ONTARIO BOARD OF GOVERNORS

A. T. LITTLE,
Chairman
(Seal)

R. B. WILLIS,
Secretary.

W. Thomas,

THE BOARD OF HOSPITAL TRUSTEES
OF THE CITY OF LONDON

Wm. LOVEDAY,
Chairman.
(Seal)

Jessie Malloch.

L. J. CROZIER,
Secretary.

CHAPTER 106.

An Act to amend The Vocational Education Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 12a and 12b of *The Vocational Education Act*, Rev. Stat., c. 369,
as enacted by section 22 of *The School Law Amendment Act*, ss. 12a, 12b (1944., c. 56, s. 22),
1944, are repealed. repealed.

2. This Act may be cited as *The Vocational Education Amendment Act, 1946.* Short title.

CHAPTER 107.

An Act respecting Warehouse Receipts.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "action" includes counterclaim and set-off; "action";
- (b) "fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit; "fungible goods";
- (c) "goods" includes all chattels personal other than things in action and money; "goods";
- (d) "holder", as applied to a negotiable receipt, means "holder"; a person who has possession of the receipt and a right of property therein, and, as applied to a non-negotiable receipt, means a person named therein as the person to whom the goods are to be delivered or his transferee;
- (e) "negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to bearer or to the order of a named person; "negotiable receipt";
- (f) "non-negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to the holder thereof; "non-negotiable receipt";
- (g) "purchaser" includes mortgagee and pledgee; "purchaser";
- (h) "receipt" means a warehouse receipt; "receipt";
- (i) "to purchase" includes to take as mortgagee or as pledgee; "to purchase";
- (j) "warehouse receipt" means an acknowledgment in writing

writing by a warehouseman of the receipt for storage of goods not his own; and

"warehouseman".

(k) "warehouseman" means a person who receives goods for storage for reward.

Form of receipts.

2.—(1) A receipt shall contain the following particulars,—

(a) the location of the warehouse or other place where the goods are stored;

(b) the name of the person by whom or on whose behalf the goods are deposited;

(c) the date of issue of the receipt;

(d) a statement either,

(i) that the goods received will be delivered to the holder thereof, or

(ii) that the goods will be delivered to bearer or to the order of a named person;

(e) the rate of storage charges;

(f) a description of the goods or of the packages containing them;

(g) the signature of the warehouseman or his authorized agent; and

(h) a statement of the amount of any advance made and of any liability incurred for which the warehouseman claims a lien.

Omission of particulars.

(2) Where a warehouseman omits from a negotiable receipt any of the particulars set forth in subsection 1 he shall be liable for damage caused by the omission.

Idem.

(3) No receipt shall by reason of the omission of any of the particulars set forth in subsection 1 be deemed not to be a warehouse receipt.

Insertions.

(4) A warehouseman may insert in a receipt, issued by him, any other term or condition that,—

(a) is not contrary to any provision of this Act; and

(b) does not impair his obligation to exercise such care and diligence in regard to the goods as a careful and

vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

(5) Subject to the provisions of this Act, a warehouse receipt issued by a warehouseman, when delivered to the owner or bailor of the goods or mailed to him at his address last known to the warehouseman, shall constitute the contract between the owner or bailor and the warehouseman; provided that the owner or bailor may within twenty days after such delivery or mailing notify the warehouseman in writing that he does not accept such contract and thereupon he shall remove the goods deposited subject to the warehouseman's lien for charges and if such notice is not given then the said warehouse receipt so delivered or mailed shall constitute the contract.

Contract constituted.

Proviso.

3. Words in a negotiable receipt limiting its negotiability shall be void.

Negotiable receipts.

4.—(1) No more than one receipt shall be issued in respect of the same goods except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date as the original, and shall be plainly marked on its face "duplicate".

Marking of duplicate receipts.

(2) A warehouseman shall be liable for all damage caused by his failure to observe the provisions of subsection 1 to any person who purchases the subsequent receipt for valuable consideration, believing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Liability when not so marked.

(3) A receipt upon the face of which the word "duplicate" is plainly marked is a representation and warranty by the warehouseman that it is an accurate copy of a receipt properly issued and uncanceled at the date of the issue of the duplicate.

Effect of duplicate receipts.

5.—(1) A warehouseman who issues a non-negotiable receipt shall cause to be plainly marked upon its face the words "non-negotiable" or "not negotiable".

Marking of non-negotiable receipts.

(2) Where a warehouseman fails to comply with subsection 1, a holder of the receipt who purchases it for valuable consideration believing it to be negotiable may, at his option, treat the receipt as vesting in him all rights attaching to a negotiable receipt and imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable, and the warehouseman shall be liable accordingly.

Failure to mark.

6.—(1) A warehouseman in the absence of lawful excuse shall deliver the goods referred to therein,—

Duty to deliver.

(a) in the case of a negotiable receipt, to the bearer thereof upon demand made by the bearer and upon the bearer,

(i) satisfying the warehouseman's lien,

(ii) surrendering the receipt with such endorsements as are necessary for the negotiation of the receipt, and

(iii) acknowledging in writing the delivery of the goods; and

(b) in the case of a non-negotiable receipt, to the holder thereof upon the holder,

(i) satisfying the warehouseman's lien, and

(ii) acknowledging in writing the delivery of the goods.

Failure to deliver.

(2) Where a warehouseman refuses or fails to deliver the goods in compliance with subsection 1, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for his refusal or failure.

Delivery on presentation of a negotiable receipt.

7. Where a person is in possession of a negotiable receipt that has been duly endorsed to him or endorsed in blank, or by the terms of which the goods are deliverable to him or his order or to bearer, if delivery is made in good faith and without notice of any defect in the title of that person the warehouseman is justified in delivering the goods to that person.

Negotiable receipts must be cancelled on delivery of goods.

8.—(1) Except as provided in section 18, where a warehouseman delivers goods for which he has issued a negotiable receipt and fails to take up and cancel the receipt, he shall be liable, for failure to deliver the goods, to anyone who purchases the receipt in good faith and for valuable consideration, whether he acquired title to the receipt before or after delivery of the goods by the warehouseman.

Negotiable receipts to be marked on delivery of part of goods.

(2) Except as provided in section 18, where a warehouseman delivers part of the goods for which he has issued a negotiable receipt and fails either to take up and cancel the receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable, for failure to deliver all the goods specified in the receipt, to anyone who purchases the receipt in good faith and for valuable consideration, whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

9. Where a negotiable receipt has been lost or destroyed Lost or destroyed receipts. a judge of the Supreme Court upon application after notice to the warehouseman by the person lawfully entitled to possession of the goods may upon satisfactory proof of such loss or destruction order the delivery of the goods upon the giving of a bond with sufficient sureties to be approved in accordance with the practice of the court to indemnify the warehouseman against any liability, cost or expense he may be under or be put to by reason of the original receipt remaining outstanding, and the warehouseman shall be entitled to his costs of the application.

10. Where a warehouseman has information that a person Warehouseman has reasonable time to determine validity of claims. other than the holder of a receipt claims to be the owner of or entitled to the goods he may refuse to deliver the goods until he has had a reasonable time not exceeding ten days, to ascertain the validity of the adverse claim or to commence interpleader proceedings.

11. A negotiable receipt shall in the hands of a holder who has purchased it for valuable consideration be conclusive Conclusiveness of negotiable receipt. evidence of the receipt by the warehouseman of the goods therein described as against the warehouseman and any person signing the same on his behalf, notwithstanding that the goods or some part thereof may not have been so received unless the holder of the negotiable receipt has actual notice at the time of receiving same, that the goods have not in fact been received.

12. Where goods are described in a receipt merely by a Description of goods in receipt. statement,—

- (a) of certain marks or labels on the goods or on the packages containing them;
- (b) that the goods are said by the depositor to be goods of a certain kind; or
- (c) that the packages containing the goods are said by the depositor to contain goods of a certain kind,

or by a statement of import similar to that of clause *a*, *b* or *c* the statement shall not impose any liability on the warehouseman in respect of the nature, kind or quality of the goods, but shall be deemed to be a representation by the warehouseman either that the marks or labels were in fact on the goods or packages or that the goods were in fact described by the depositor as stated, or that the packages containing the goods were in fact described by the depositor as containing goods of a certain kind, as the case may be.

Liability for
care of
goods.

13. A warehouseman shall be liable for loss of or injury to goods caused by his failure to exercise such care and diligence in regard to them as a careful and vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

Co-mingled
goods and
warehouse-
man's
liability
therefor.

14. Where authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade, and in that case the holders of the receipts for the mingled goods shall own the entire mass in common, and each holder shall be entitled to such proportion thereof as the quantity shown by his receipt to have been deposited bears to the whole.

Attachment
or levy upon
goods for
which a
negotiable
receipt has
been issued.

15. Where goods are delivered to a warehouseman by the owner or person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter while in the possession of the warehouseman, be levied under an execution, unless the receipt is first surrendered to the warehouseman.

Negotiable
receipt must
state charges
for which
lien is
claimed.

16. Where a negotiable receipt is issued for goods, the warehouseman shall have no lien on the goods, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed.

Perishable
and
hazardous
goods.

17.—(1) Where goods are of a perishable nature, or by keeping will deteriorate greatly in value, or injure other property, the warehouseman may give such notice as is reasonable and possible under the circumstances to the holder of the receipt for the goods if the name and address of the holder is known to the warehouseman or if not known to him then to the depositor, requiring him to satisfy the lien upon the goods, and to remove them from the warehouse, and on the failure of such person to satisfy the lien and remove the goods within the time specified in the notice, the warehouseman may sell the goods at public or private sale without advertising.

Giving of
notice.

(2) The notice referred to in subsection 1 may be given by sending it by registered letter post addressed to the person to whom it is to be given at the person's last known place of address and the notice shall be deemed to be given on the day following the mailing.

Disposal
of goods.

(3) If the warehouseman after a reasonable effort is unable to sell the goods, he may dispose of them in any manner he may think fit, and shall incur no liability by reason thereof.

(4) The warehouseman shall from the proceeds of any sale made pursuant to this section, satisfy his lien and shall hold the balance in trust for the holder of the receipt. Proceeds of sale.

18. Where goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of pursuant to the provisions of section 17, the warehouseman shall not be liable for failure to deliver the goods to the holder of the receipt. Effect of sale.

19.—(1) A negotiable receipt may be negotiated by delivery in either of the following cases,— Negotiation of negotiable receipts by delivery and by endorsement.

(a) where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the bearer; or

(b) where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a named person, and that person or a subsequent endorsee has endorsed it in blank or to bearer.

(2) Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been endorsed in blank or to bearer the receipt may be negotiated by the bearer endorsing the same to a named person, and in that case the receipt shall thereafter be negotiated by the endorsement of the endorsee or a subsequent endorsee, or by delivery if it is again endorsed in blank or to bearer.

(3) Where, by the terms of a negotiable receipt, the goods are deliverable to the order of a named person, the receipt may be negotiated by the endorsement of that person.

(4) An endorsement pursuant to subsection 3 may be in blank, to bearer or to a named person and if the endorsement is to a named person, the receipt may be again negotiated by endorsement in blank, to bearer or to another named person and subsequent negotiation may be made in like manner.

20. The goods covered by a non-negotiable receipt may be transferred by the holder by delivery to a purchaser or donee of the goods of a transfer in writing executed by the holder, but the transfer shall not affect or bind the warehouseman until he is notified in writing thereof. Transfer of receipts.

21.—(1) A person to whom the goods covered by a non-negotiable receipt are transferred acquires, as against the transferor,— Rights of person to whom a receipt has been transferred.

(a) the title to the goods; and

(b)

- (b) the right to deposit with the warehouseman the transfer or duplicate thereof or to give notice in writing to the warehouseman of the transfer.

Idem.

(2) The transferee acquires the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt upon,—

- (a) deposit of the transfer of the goods; or
- (b) giving notice in writing of the transfer and upon the warehouseman having a reasonable opportunity of verifying the transfer.

Rights of person to whom a receipt has been negotiated.

22. A person to whom a negotiable receipt is duly negotiated acquires,—

- (a) such title to the goods as the person negotiating the receipt to him had or had ability to transfer to a purchaser in good faith for valuable consideration and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of receipt had or had ability to transfer to a purchaser in good faith for valuable consideration; and
- (b) the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman has contracted directly with him.

Transfer of negotiable receipt without endorsement.

23. Where a negotiable receipt is transferred for valuable consideration by delivery, and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears and the negotiation shall take effect as of the time when the endorsement is made.

Warranties on sale of receipt.

24. A person who for valuable consideration negotiates or transfers a receipt by endorsement or delivery, including one who assigns for valuable consideration a claim secured by a receipt, unless a contrary intention appears, warrants,—

- (a) that the receipt is genuine;
- (b) that he has a legal right to negotiate or transfer it;
- (c) that he has no knowledge of any fact that would impair the validity of the receipt; and
- (d) that he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties

had been to transfer without a receipt the goods represented thereby.

25. The endorsement of a receipt shall not make the endorser liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfil their respective obligations. Endorser not guarantor.

26. The validity of the negotiation of a receipt is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor without notice of the breach of duty, or fraud, mistake or duress. When negotiation not impaired by fraud, mistake or duress.

27. Where a person having sold, mortgaged or pledged goods that are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged a negotiable receipt representing goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for valuable consideration and without notice of the previous sale, mortgage or pledge, shall have the same effect as if a previous purchaser of the goods or receipt had expressly authorized the subsequent negotiation. Subsequent negotiation.

28. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of a purchaser for value in good faith to whom the receipt has been negotiated, whether the negotiation be prior or subsequent to the notification to the warehouseman who issued the receipt of the seller's claim to a lien or right of stoppage in transitu and the warehouseman shall not deliver the goods to an unpaid seller unless the receipt is first surrendered for cancellation. Negotiation defeats vendor's lien.

29. Nothing herein contained shall be deemed to include or apply to the manager or operator of a grain elevator as "Manager" and "Operator" are defined by *The Canada Grain Act* (Canada) or any railway or express company within the jurisdiction of the Parliament of Canada. Where Act not to apply.

30. The provisions of this Act do not apply to receipts made and delivered prior to the date of the coming into force of this Act. Application to existing receipts.

31. This Act shall come into force on the 1st day of June, 1946, provided that it shall not apply to the storage of furs, Commencement of Act

garments and home furnishings, other than furniture, which are ordinarily used by the person placing them in storage or a member of his family or household, until a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **32.** This Act may be cited as *The Warehouse Receipts Act, 1946.*

CHAPTER 108.

An Act to amend The Wartime Housing Act, 1944.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Wartime Housing Act, 1944*, is repealed and the following substituted therefor: 1944,
c. 67, s. 2,
re-enacted.
2. The council of a local municipality may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited and His Majesty the King in right of Canada on such terms and conditions as the council may deem proper for the erection of houses or housing accommodation on land vested in His Majesty the King in right of Canada or in the municipal corporation and for fixing the amount of money that shall be paid annually during the life of the agreement by Wartime Housing Limited and His Majesty the King in right of Canada to the municipal corporation in lieu of taxes that would otherwise be payable in respect of land of His Majesty the King in right of Canada occupied by tenants, provided that such amount shall not be less than \$24 in respect of each two-bedroom house, \$30 in respect of each more than two-bedroom house and \$150 in respect of each staff-house. Wartime
Housing
Limited,—
agreements.
2. Section 4 of *The Wartime Housing Act, 1944*, is repealed and the following substituted therefor: 1944,
c. 67, s. 4,
re-enacted.
4. Where an agreement under section 2 is in force the land mentioned therein vested in His Majesty the King in right of Canada and occupied by tenants shall be exempt from taxation, including local improvement rates. Exemption
from
taxation.
- 4a. The agreement mentioned in section 2 may authorize the municipal corporation to except the land vested in His Majesty the King in right of Canada or in Waiver of
building
by-laws.

the municipal corporation and the houses or housing accommodation erected or to be erected thereon, or any of such land, houses or housing accommodation, from any by-law passed under section 406 of *The Municipal Act* or any by-law establishing minimum standards of construction, or from any part or parts thereof.

Rev. Stat.,
c. 266.

1944,
c. 67, s. 6,
amended.

3. Section 6 of *The Wartime Housing Act, 1944*, is amended by adding thereto the following subsection:

Estimates.

(2) Any council and any local board which determines rates shall in determining the rate or rates for the year take into consideration the amount of the money mentioned in subsection 1.

1944,
c. 67, s. 10,
amended.

4. Section 10 of *The Wartime Housing Act, 1944*, is amended by striking out the words "Wartime Housing Limited" in the first and second lines and inserting in lieu thereof the words "His Majesty the King in right of Canada or the municipal corporation", so that the said section shall now read as follows:

Right to
vote not
affected.

10. The right to vote of the tenants of His Majesty the King in right of Canada or the municipal corporation shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner as though this Act had not been passed.

1944, c. 67,
amended.

5. *The Wartime Housing Act, 1944*, is amended by adding thereto the following sections:

Power to
dispose
of land.

10a.—(1) Where land has been acquired from the municipal corporation by His Majesty the King in right of Canada for the erection of houses or housing accommodation, the municipal corporation may acquire such land and any buildings thereon and may hold, maintain, lease, sell or otherwise dispose of the same at any time or from time to time.

Power to
issue de-
bentures.

(2) Subject to the approval of the Ontario Municipal Board and without the assent of the electors entitled to vote on money by-laws, the municipal corporation may issue debentures to raise money required for the purposes of subsection 1.

Saving as
to personal
taxes for
health
services.

10b. Nothing in this Act or in any agreement entered into under this Act shall limit or affect any personal tax with respect to municipal health services.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of May, 1944.

Commence-
ment of
Act.—
retroactive
effect.

7. This Act may be cited as *The Wartime Housing Amendment Act, 1946*.

Short title

CHAPTER 109.

An Act to amend The Weed Control Act.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Weed Control Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 344, s. 1,
amended.

(i) "Weed seed" shall mean seed of a noxious weed.

"Weed
seed",
defined.

2. Clause *d* of section 2 of *The Weed Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 344, s. 2,
cl. *d*, re-
enacted.

(*d*) prescribing the method and procedure for destroying noxious weeds and weed seeds;

(*e*) regulating and prohibiting the transportation of feed, grain, plants and screenings infested with weed seeds;

(*f*) prescribing the powers and duties of district inspectors and inspectors;

(*g*) providing for the reimbursement of any municipality for any part of the moneys expended by it in carrying out the provisions of the Act and regulations; and

(*h*) generally for the better carrying out of the provisions of this Act.

3. Section 5 of *The Weed Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 344, s. 5,
re-enacted.

5.—(1) The council of every county, city and separated town and the council of every township and village in unorganized territory shall appoint at least one inspector to enforce the provisions of this Act and the regulations and shall fix the amount of remuneration, fees or charges he is to receive.

Inspectors,—
appoint-
ment of;
remunera-
tion.

Idem.

- (2) The council of a township in a county may appoint one or more inspectors to enforce the provisions of this Act and the regulations and may provide for the remuneration, fees or charges he is to receive.

Division of municipality into sections.

- (3) The council of any municipality mentioned in subsection 1 or 2 may by by-law divide the municipality into sections and may appoint an inspector or inspectors for each section.

Rev. Stat., c. 344, s. 6, subs. 1, amended.

4. Subsection 1 of section 6 of *The Weed Control Act* is amended by inserting after the word "in" in the second line the words and figure "subsection 1 of", so that the said subsection shall now read as follows:

Inspector,—appointment of, by Minister.

- (1) Where a council neglects or refuses to appoint an inspector as provided in subsection 1 of section 5 the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors.

Rev. Stat., c. 344, s. 8, repealed.

5. Section 8 of *The Weed Control Act* is repealed.

Rev. Stat., c. 344, s. 10, subs. 5, re-enacted.

6. Subsection 5 of section 10 of *The Weed Control Act* is repealed and the following substituted therefor:

Statement of expenses.

- (5) The inspector shall also present to the council a similar statement, verified by oath where the amount exceeds \$5, of the expenses incurred by him in carrying out the provisions of this Act upon the land belonging to any person who does not reside in the municipality, and the council shall audit the account and order the amount which it finds payable to be paid from the general funds of the corporation.

Rev. Stat., c. 344, s. 11, subs. 1, amended.

- 7.—(1) Subsection 1 of section 11 of *The Weed Control Act* as amended by section 2 of *The Weed Control Amendment Act, 1940*, is further amended by striking out the words "city, town, village or township" in the fourth line and inserting in lieu thereof the words "county, city or separated town or any township or village in unorganized territory", and by striking out the words "city, town, village or township" in the fifth and sixth lines and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Notice requiring destruction.

- (1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any county, city or separated town or any

township or village in unorganized territory shall forthwith deliver or send by registered mail to the clerk of such county, city, separated town, township or village a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice.

(2) Subsection 2 of the said section 11 is amended by striking out the words "city, town, village or township" in the first and second lines and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 344, s. 11,
subs. 2,
amended.

- (2) In case default is made by any county, city, separated town, township or village in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper.

Right of
entry.

(3) Subsection 3 of the said section 11 is amended by striking out the words "city, town, village or township" where they occur in the fourth line and in the tenth and eleventh lines respectively and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 344, s. 11,
subs. 3,
amended.

- (3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the county, city, separated town, township or village in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the county, city, separated town, township or village, as the case may be, in respect of such expenditures.

Expenses,—
how payable.

8. Subsections 4 and 5 of section 13 of *The Weed Control Act* are repealed.

Rev. Stat.,
c. 344, s. 13,
subs. 4, 5,
repealed.

Rev. Stat.,
c. 344, s. 16,
amended.

9. Section 16 of *The Weed Control Act* is amended by adding at the end thereof the words "or in any other place where such depositing is likely to cause the spread of noxious weeds to adjoining property", so that the said section shall now read as follows:

Depositing
noxious
weeds on
road pro-
hibited.

16. No person shall deposit or permit to be deposited any noxious weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water or in any other place where such depositing is likely to cause the spread of noxious weeds to adjoining property.

Rev. Stat.,
c. 344, s. 17,
amended.

10. Section 17 of *The Weed Control Act* is amended by inserting after the word "threshing" in the second line the words "combining, seed cleaning, chopping, baling, silo filling or processing", so that the said section shall now read as follows:

Threshing
machine.—
cleaning of.

17. Every person in possession or charge of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or processing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse.

Rev. Stat.,
c. 344,
amended.

11. *The Weed Control Act* is amended by adding thereto the following section:

License to
operate seed
cleaning
plant.

18.—(1) No person shall operate a seed cleaning plant except under the authority of a license issued by the Minister.

Application
for license.

(2) Every application for a license shall be in the form prescribed by the Minister.

Yearly
license.

(3) Every license shall expire on the 31st day March next following the issue thereof and may be renewed from year to year.

Fees.

(4) The fee for a license or renewal thereof shall be \$1 but no fee shall be charged when the seed cleaning plant is used only for cleaning the grain and seed of the owner thereof.

Short title.

12. This Act may be cited as *The Weed Control Amendment Act, 1946*.

CHAPTER 110.

The Wolf and Bear Bounty Act, 1946.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "Department" shall mean Department of Game and Fisheries; ^{"Department";}
- (b) "Minister" shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; ^{"Minister";}
- (c) "provisional judicial district" shall include the provisional county of Haliburton; and ^{"provisional judicial district";}
- (d) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 355, s. 1, *amended*. ^{"regulations".}

PART I.

WOLF BOUNTIES.

2. Where in any county a person has killed a timber or brush wolf and produces the whole skin within a period of six months after the killing before the treasurer of the county, or before a magistrate, district superintendent of game and fisheries or such officer as the Minister may designate, together with an affidavit in the prescribed form stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, the treasurer, magistrate, district superintendent or officer as aforesaid shall give to the person producing the skin, a certificate in the prescribed form. R.S.O. 1937, c. 355, s. 4, *amended*. ^{Proof of killing by applicant.}

3. Upon the delivery of a certificate issued under section 2 by the person named therein to the treasurer of the county, ^{Bounties payable by county.}

together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or a brush wolf under the age of three months. R.S.O. 1937, c. 355, s. 5; 1941, c. 63, s. 1.

Repayment
to county
by Province.

4. Upon the delivery to the Minister by the treasurer of a county of a certificate issued under section 2 completed to the satisfaction of the Minister, together with the whole skin of the wolf, the corporation of the county shall be entitled to receive forty per centum of the sum so paid, out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty. R.S.O. 1937, c. 355, s. 6, *amended*.

Proof of
killing in
provisional
judicial
district.

5.—(1) Where any timber or brush wolf has been killed in a provisional judicial district, the skin may be produced before a magistrate, a district superintendent of game and fisheries, the clerk of the district court, or such officer as the Minister may designate. R.S.O. 1937, c. 355, s. 7, *amended*.

Certificate.

(2) Upon the like proof as required in section 2, the person before whom the skin is produced may give the certificate mentioned in section 2, provided such skin is produced within a period of ten months after the killing, and upon the delivery of the certificate, duly completed, to the Minister together with the whole skin, the person named in the certificate shall be entitled to receive out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty the sum prescribed in section 3. R.S.O. 1937, c. 355, s. 8 (1); 1941, c. 63, s. 1, *amended*.

Provincial
parks.

6. Where a claim is made for the payment of bounty for any wolf killed in a provincial park, the affidavit may be taken and the certificate may be given by the superintendent of such park, or before any of the persons named in subsection 1 of section 5. R.S.O. 1937, c. 355, s. 9, *amended*.

Disposal of
skin.

7. Before payment of the bounty to the corporation of the county or directly to the person killing the wolf, the whole skin shall be delivered to the Minister or to such person or persons as the Minister may designate for the purpose, and shall become the property of the Crown, and may be disposed of in such manner as may be prescribed by the regulations. R.S.O. 1937, c. 355, s. 10, *amended*.

Penalty for
unlawful
presentation
for bounty.

8.—(1) Every person who presents or sends to the Minister for bounty, or who is a party to presenting or sending to the Minister for bounty, any wolf skin upon which the bounty has been paid, or the skin of any wolf taken or killed outside

of Ontario, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid. R.S.O. 1937, c. 355, ss. 14 (1), 15 (1); 1941, c. 63, s. 3, *amended*.

(2) Upon conviction for an offence under subsection 1 every wolf skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario, and may be disposed of in such manner as may be prescribed by the regulations. R.S.O. 1937, c. 355, ss. 14 (2), 15 (2), *amended*. Forfeiture of skin.

PART II.

BEAR BOUNTIES.

9.—(1) This part shall apply only to such portions of Ontario as are prescribed by the regulations. Application.

(2) No bounty shall be paid on bears killed in areas other than those defined in accordance with subsection 1 nor on bears killed in provincial parks, Indian Reserves or Crown Game Preserves. *New*. Where no bounty.

10.—(1) Subject to fulfilling the conditions prescribed in this Part, where a person has killed a bear in any township of which not less than twenty-five per centum of the total area is devoted to agriculture, such person shall be entitled to a bear bounty. Must be agricultural area.

(2) Where in any such township a person kills a bear and,— Proof required.

(a) produces the whole skin thereof within a period of three weeks after the killing before a magistrate, justice of the peace, game and fisheries officer or such officer as the Minister may designate;

(b) produces to the officer an affidavit in the prescribed form stating,

(i) the place where the bear was killed,

(ii) the date when the bear was killed, and

(iii) that the bear was not kept in captivity previous to the date on which it was killed;

(c) proves to the satisfaction of the officer that the bear was killed between April 15th and November 30th in defence or preservation of live stock or property; and

(d)

- (d) proves to the satisfaction of the officer that he was at the time of the killing a *bona fide* resident of the township in which the bear was killed, and that he was not at such time a tourist-outfitter or licensed guide, rendering service in such capacity to non-residents of the township,

Certificate. the officer before whom the skin is produced shall give to the person producing it, a certificate in the prescribed form.

Marking of skin. (3) Upon the issue of the certificate, the officer before whom the whole skin is produced, shall stamp or mark the skin in the manner prescribed by the regulations and shall then return the skin to the party who killed the bear and it shall become his property. *New.*

Amount of bounty. **11.** Upon the delivery to the Minister of an affidavit and certificate mentioned in section 10 completed to the satisfaction of the Minister, the person named shall be entitled to receive out of such moneys as may be appropriated therefor by the Legislature the sum of \$10 as a bounty on a bear which is twelve months of age or over, and \$5 as a bounty on a bear under the age of twelve months. *New.*

Penalty for unlawful presentation for bounty. **12.—(1)** Every person who presents for bounty, or who is a party to presenting for bounty, any bear skin upon which the bounty has been paid, or the skin of any bear taken or killed outside the area to which this Part applies, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every bear skin so presented, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid.

Forfeiture of skin. (2) Upon conviction for an offence under subsection 1 every bear skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario and may be sold by the Minister. *New.*

PART III.

GENERAL PROVISIONS.

Payment of claims. **13.** Where the Minister is satisfied that the person who killed any wolf or bear or that the corporation of the county which has paid a wolf bounty is justly entitled to receive the bounty or to be reimbursed as provided in section 4 the Minister may make a requisition on the Treasurer of Ontario accordingly, and a cheque shall be issued in payment thereof, notwithstanding any defect in the affidavit or certificate, or any doubt as to the authority of the officer taking such affi-

davit or giving such certificate, and in such case the Provincial Auditor shall forthwith, without further audit or examination, countersign the cheque. R.S.O. 1937, c. 355, s. 11, *amended*.

14. The decision of the Minister on all questions of the ^{Entitlement} entitlement to payment of a bounty, and as to the age and ^{determined by Minister.} classification of animals shall be final. R.S.O. 1937, c. 355, s. 8 (2), *amended*.

15. Any person authorized to give a certificate under this ^{Taking} Act may take any affidavit required to be taken by any ^{affidavits.} applicant for the purpose of obtaining such certificate. R.S.O. 1937, c. 355, s. 12.

16. Every person who, except under the authority of a ^{Permit} permit issued by the Minister, keeps in captivity any live ^{required} wolf or bear shall incur a penalty of not less than \$10 and ^{to keep} not more than \$50, and in default of payment thereof shall ^{wolves or} be imprisoned for a term not exceeding three months unless ^{bears in} the penalty is sooner paid. ^{Penalty.} R.S.O. 1937, c. 355, s. 13, *amended*.

17. Where in any action, prosecution or other proceeding ^{Burden of} under this Act, a person claims that bounty is payable in ^{proof.} respect of a wolf or bear skin, and that such bounty has not been previously paid, the burden of proof shall be upon such person. R.S.O. 1937, c. 355, s. 14 (3), *amended*.

18. The Lieutenant-Governor in Council may ^{Regulations} make regulations,—

- (a) prescribing the form and contents of certificates, affidavits, permits, and such other forms as may be required;
- (b) prescribing the fees payable for any permit or licence issued under this Act;
- (c) prescribing the manner of marking or stamping any skin on which a bounty is paid;
- (d) defining the geographical area to which Part II of this Act shall apply;
- (e) providing for the disposal of wolf skins on which bounty has been paid, and wolf or bear skins forfeited to the Crown; and
- (f) generally for the better carrying out of the provisions of this Act. *New.*

Rev. Stat.,
c. 136 to
apply.

19. *The Summary Convictions Act* shall apply to all prosecutions under this Act. R.S.O. 1937, c. 355, s. 17, *amended*.

Confirma-
tion.

20. All payments of bounty on bears heretofore made are ratified and confirmed. *New*.

Rev. Stat.,
c. 355;
1941, c. 63,
repealed.

21. *The Wolf Bounty Act* and *The Wolf Bounty Amendment Act, 1941*, are repealed.

Short title.

22. This Act may be cited as *The Wolf and Bear Bounty Act, 1946*.

CHAPTER 111.

An Act to amend The Workmen's Compensation Act.

*Assented to March 27th, 1946.
Session Prorogued April 5th, 1946.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Workmen's Compensation Act* is amended by striking out the words "the compensation" in the second and third lines and inserting in lieu thereof the words "compensation and medical aid", so that the said section shall now read as follows:

Rev. Stat.,
c. 204, s. 3,
amended.

3. Employers in the industries for the time being included in Schedule 2 shall be liable individually to pay compensation and medical aid.

Employers
individually
liable.

2. Section 32 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" in the fourth line the words "and medical aid", so that the said section shall now read as follows:

Rev. Stat.,
c. 204, s. 32,
amended.

32. The Board, where it deems it requisite for the prompt payment of claims, may require any employer in Schedule 2 to make deposits of money with the Board from time to time, out of which the Board may pay compensation and medical aid for accidents to workmen of such employer as they occur.

Requiring
deposits by
employers in
Schedule 2.

3.—(1) Subsection 3 of section 50 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 204, s. 50,
subs. 3,
re-enacted.

(3) Medical aid shall be furnished or arranged for by the Board or as it may direct or approve and

Payment
for medical
aid.

(a) in the industries in Schedule 1 shall be paid for out of the accident fund and the necessary amount shall be included in the assessments levied upon the employers; and

(b) in the industries in Schedule 2 the amount shall be paid by the employer of the injured workman to the Board for payment.

Rev. Stat.,
c. 204, s. 50,
subss. 4, 8,
repealed.

(2) Subsections 4 and 8 of the said section 50 are repealed.

Rev. Stat.,
c. 204, s. 50,
subss. 6,
amended.

(3) Subsection 6 of the said section 50 is amended by striking out the words "except in the case of an employer individually liable and himself furnishing the medical aid" in the third, fourth and fifth lines, so that the said subsection shall now read as follows:

Amount of
charges.

(6) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill and the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for.

Rev. Stat.,
c. 204, s. 72,
amended.

4. Section 72 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" wherever it appears in the section the words "or medical aid", so that the said section shall now read as follows:

Enforcement
of orders of
Board.

72. An order of the Board for the payment of compensation or medical aid by an employer who is individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy may be filed with the clerk of any county or district court and when so filed shall become an order of that court and may be enforced as a judgment of the court.

Rev. Stat.,
c. 204, s. 115,
subss. 1,
amended.

5. Subsection 1 of section 115 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 4 of *The Workmen's Compensation Amendment Act, 1942*, is further amended by inserting after the word "mentioned" in the eleventh line the words "or contained in the regulations", so that the said subsection shall now read as follows:

Certain
industrial
diseases to
be deemed
accidents.

(1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury

by accident and the disablement were the happening of the accident, subject to the modifications herein-after mentioned or contained in the regulations, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

6. This Act shall come into force on the day upon which it receives the Royal Assent, but sections 1, 2, 3 and 4 shall apply only to accidents happening on or after the 1st day of July, 1946. Commence-
ment of Act.

7. This Act may be cited as *The Workmen's Compensation Amendment Act, 1946.* Short title

PART II
PRIVATE ACTS

Chapters 112 to 146

CHAPTER 112.

An Act respecting the Canadian Legion of the British Empire Service League, Branch 51.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Canadian Legion of the British Empire Service League, Branch 51, has by its petition prayed that an Act may be passed vesting the lands described in section 1 in the said branch of the Legion; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described as being:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City (formerly the Town) of Niagara Falls, in the County of Welland and being composed of Lots Numbers Five hundred and sixteen (516) and Five hundred and seventeen (517) on the west side of Victoria Avenue according to Plan No. 34 registered for said Town of Niagara Falls subject to the restrictions contained in the conveyance made by Frederick N. G. Starr to one Charles Black, and Lot Number Five hundred and twenty-six (526) on the south side of Stamford Street according to plan No. 746 registered for the said Town of Niagara Falls,

are hereby vested in the Canadian Legion of the British Empire Service League, Branch 51.

2. The Canadian Legion of The British Empire Service League, Branch 51, shall have power to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property, real or personal, vested in or held by it.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

4. This Act may be cited as *The British Empire Service League, Branch 51 Act, 1946.*

CHAPTER 113.

An Act respecting the Brockville General Hospital
and the Fulford Home for Aged Women.*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS Brockville General Hospital has by its Preamble.
petition prayed for special legislation enabling it to
invest the trust funds held by it for the purpose of maintaining
the Fulford Home for indigent Protestant old women in
investments authorized for the investment of funds of Cana-
dian life insurance companies; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Brockville General Hospital and its agents and trustees Investment
of Fulford
Home funds.
are hereby authorized to invest the fund bequeathed to it by
the late Honourable George Taylor Fulford for the purpose of
establishing and maintaining a home for indigent Protestant
old women in or in the purchase of any securities in which any
Canadian life insurance company is permitted to invest.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Brockville General Hospital* Short title.
Act, 1946.

CHAPTER 114.

An Act respecting the City of Chatham.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Chatham has Preamble.
by its petition represented that under the terms of the
original grant from the Crown of the lands known as the
Market Block, in the said City, the use of the lands is re-
stricted, and has prayed for special legislation to vest in fee
simple the said Market Block in the said Corporation; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The lands composed of the Market Block on the Market
Block
vested in
Corporation.
south side of King Street in the City of Chatham, more par-
ticularly described as:

Commencing on the South side of King Street in the
limit between the said Block and Lot 84; thence south
22 degrees west six chains and twenty-six links more or
less to Wellington Street; then north sixty-eight degrees
west, 3 chains 13 links more or less to the limit between
the said Block and Lot 86; then north 22 degrees east
six chains twenty-six links more or less to King Street;
then south sixty-eight degrees east three chains thirteen
links more or less to the place of beginning,

shall be vested in fee simple in the Corporation of the City
of Chatham.

(2) The trusts and special purposes mentioned in the Restrictions
annulled.
original grant of the said lands from the Crown to the said
Corporation be and the same are hereby annulled.

(3) Notwithstanding anything contained in the said original Power to
sell, etc.
grant, the said Corporation shall have power to sell, lease,
convey and contract in regard to the said lands, and every
part thereof; subject nevertheless to the reservations as to
mineral rights expressed in the said original grant.

Execution of documents.

(4) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said Corporation, and signed by the mayor and clerk thereof, for the time being.

Application of proceeds.

(5) The proceeds of every disposition by the said Corporation of the said lands under this Act shall be held and applied by it for the general purposes or uses of the said Corporation.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Chatham Act, 1946*.

CHAPTER 115.

An Act respecting the Town of Collingwood.

Assented to April 5th, 1946.

Session Prorogued April 5th, 1946.

WHEREAS the Corporation of the Town of Collingwood Preamble.
has by its petition prayed for special legislation to authorize the expenditure of a sum not exceeding \$50,000 for the purpose of assisting and encouraging the establishment of industries in the Town, and to authorize the issuance of debentures for such expenditure; and whereas the council of the Corporation did on the 17th day of September, 1945, submit the matter to the electors of the Town qualified to vote on money by-laws and received the assent of such electors to the proposed expenditure and the issuance of debentures therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, the Corporation of the Town of Collingwood may expend an Expenditure of \$50,000 authorized. amount not exceeding \$50,000 for the purpose of assisting and encouraging the establishment of industries within the Town of Collingwood and may, to provide such expenditure, issue debentures on the credit of the Corporation bearing interest at a rate not exceeding three and one-half per cent per annum and payable in annual sums during the term of ten years in the manner provided by *The Municipal Act*.

2. This Act shall come into force on the day upon which it Commence-ment of Act. receives the Royal Assent.

3. This Act may be cited as *The Town of Collingwood Act*, Short title 1946.

CHAPTER 116.

An Act respecting Credit Foncier Franco-Canadien.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS Credit Foncier Franco-Canadien has by Preamble.
petition represented that it was incorporated by an
Act of the Legislature of the Province of Quebec, entitled
An Act to incorporate the "Credit Foncier Franco-Canadien",^{Quebec, 1880, c. 60.}
being chapter 60 of the Statutes of Quebec, 1880, and that the
Company is authorized to carry on business in the Province
of Ontario by an Act entitled *An Act respecting the Credit*^{1881, c. 51.}
Foncier Franco-Canadien, being chapter 51 of the Statutes of
Ontario, 1881, which last-mentioned Act repeated in part
only the powers granted to the Company by the aforesaid
statute of Quebec; and whereas the Company is desirous of
being authorized to exercise in the Province of Ontario all the
powers vested in it by the aforesaid statute of Quebec and to
hold real estate acquired in payment, or for protection of its
claims, for the period authorized by *The Loan and Trust*^{Rev. Stat., c. 257.}
Corporations Act; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Section 1 of the Act entitled *An Act respecting*^{1881, c. 51, s. 1, re-enacted.}
the Credit Foncier Franco-Canadien, being chapter 51 of the
Statutes of Ontario, 1881, is repealed and the following sub-
stituted therefor:

1. It shall be lawful for the corporation created and Powers.
constituted by the aforesaid statute of the Legis-
lature of the Province of Quebec under the name of
Credit Foncier Franco-Canadien to carry on its
business and to exercise in the Province of Ontario
all the powers granted to or vested in it by the said
statute as now amended or as from time to time
hereafter amended; provided, however, that the Proviso.
corporation shall in respect of all its business relating
to property, rights or interests in the Province of
Ontario, be subject to *The Loan and Trust Corpora-*^{Rev. Stat., c. 257.}
tions

tions Act and amendments thereto, and provided that the corporation's power to borrow in the Province of Ontario by taking deposits or issuing debentures, debenture stock or like obligations shall be subject to such terms and conditions as may be from time to time prescribed by the Lieutenant-Governor in Council.

1881,
c. 51, s. 2,
repealed.

(2) Section 2 of the said Act is repealed.

1881,
c. 51, s. 9,
amended.

(3) Section 9 of the said Act is amended by striking out the words "within seven years from the acquisition thereof" in the tenth and eleventh lines and inserting in lieu thereof the words "within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land company", so that the said section shall now read as follows:

Power to
acquire
real estate
necessary
for offices.

9. The said corporation may acquire and hold such real estate as may be necessary for its offices for the transaction of its business in the Province of Ontario, but the value of the real estate acquired for such purpose, shall not at any time exceed the sum of one hundred thousand dollars; it may, from time to time, lease, mortgage, sell, or otherwise dispose of, such real estate; it may also, for the protection of its investments, purchase and hold real estate mortgaged in its favour, but it shall sell, or otherwise dispose of, such real estate so acquired in payment, or for the protection of its claims, within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land company; meantime it may, from time to time, mortgage or lease the real estate so acquired and held.

Rev. Stat.,
c. 257.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Commence-
ment of Act.

Short title.

3. This Act may be cited as *The Credit Foncier Franco-Canadien Act, 1946*.

CHAPTER 117.

An Act respecting the Village of Forest Hill.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Village of Forest Hill Preamble.
has by its petition prayed for special legislation to
establish a high school district for the area of the Village and a
municipal board of education and to amend *The Village of
Forest Hill Act, 1934*; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. From and after the 1st day of November, 1946, the Forest Hill
Village area to be a
high school
district.
area known as The Corporation of the Village of Forest Hill
shall be a high school district.

2.—(1) There shall be a municipal board of education to Board of
Education.
be known as "The Board of Education for the Corporation of
the Village of Forest Hill" which shall have and possess all
the powers and perform all the duties which are by *The Boards
of Education Act* or by any other Act conferred or imposed
upon a public school board or a high school board. Rev. Stat.,
c. 361.

(2) The Board of Education for the Corporation of the
Village of Forest Hill shall be composed of the number of Composition
of Board.
members prescribed by *The Boards of Education Act* for a
municipal board in a village, and the elective members thereof
shall be elected at the next ensuing municipal election of the
Village and the member or members to be appointed shall
thereupon be appointed and the Board organized in accordance
with the said Act.

3. Save as herein provided, *The Boards of Education Act* Rev. Stat.,
c. 361.
shall, where applicable, apply to The Village of Forest Hill
high school district and to the Board of Education for the
Corporation of the Village of Forest Hill. to apply.

4. Subsection 2 of section 3 of *The Village of Forest Hill* 1934, c. 75,
s. 3, subs. 2,
amended.
Act, 1934, is amended by inserting after the word "purchase"

in the second line the words "or by expropriation", so that the said subsection shall now read as follows:

Acquisition
of factory,
etc., lands.

- (2) The council of the said corporation may pass by-laws to acquire by purchase or by expropriation from the owner thereof any land owned, occupied or held for manufacturing or business purposes and situate in any defined area in the said village in respect of which a by-law has been passed and approved by the Ontario Municipal Board under the authority of section 398 of *The Municipal Act*.

Rev. Stat.,
c. 266.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Village of Forest Hill Act, 1946*.

CHAPTER 118.

An Act respecting the City of Fort William.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Fort William Preamble.
has by its petition prayed for special legislation in
respect of the several matters hereinafter mentioned and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The agreement dated the 15th day of October, 1945, Veterans' land agreement validated.
made between the Corporation of the City of Fort William
and The Director, The Veterans' Land Act, and set forth as
schedule A hereto, is hereby confirmed and declared to be
from the date thereof legal, valid and binding upon the said
Corporation and the ratepayers thereof, and the said Cor-
poration is hereby authorized to do all acts necessary to carry
out the provisions thereof.

2.—(1) By-law No. 3954 of the said Corporation entitled Winston Hall by-law validated.
"A By-law to provide for borrowing \$80,000.00 upon debentures to pay for the purchase of Winston Hall and the right, title and interest of His Majesty the King in the right of The Dominion of Canada in the lands hereinafter described and for the reconverting of the said Winston Hall into self-contained suites", set forth as schedule B hereto, is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing by-law of the said Corporation and the debentures which have been or may hereafter be issued thereunder shall from the date of such issue be valid and binding upon the said Corporation and the ratepayers thereof.

(2) The said Corporation may purchase, acquire, hold and Powers re Winston Hall.
convert the building known as Winston Hall as provided in the said by-law No. 3954 and shall be deemed to have had this power since the date of the said by-law.

(3) The said Corporation may from time to time lease the Idem.

whole or any part of the said Winston Hall on such terms and conditions as the council deems advisable and shall be deemed to have had this power since the date of the said by-law.

1938, c. 53,
sec. 5 and
by-law 3634,
repealed.

3.—(1) Section 5 of *The City of Fort William Act, 1938*, and by-law No. 3634 of the said Corporation entitled "A By-law to constitute a Sinking Fund and Tax Sale Land Board of Trustees pursuant to Section 5 of The City of Fort William Act, 1938," are hereby repealed.

By-law No.
3948
validated.

(2) By-law No. 3948 of the said Corporation entitled "A By-law to repeal by-law No. 3634" is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing by-law of the said Corporation.

Powers re
skating rink
and
community
centre.

4.—(1) The said Corporation may acquire the land therefor and construct, maintain and operate a skating rink and community centre thereon in such manner as the council thinks advisable.

Idem.

(2) The council of the said Corporation without obtaining the assent of the electors entitled to vote on money by-laws may borrow the sum of \$300,000 therefor by the issue and sale of instalment debentures bearing interest at such rate and payable as the council with the approval of the Ontario Municipal Board deems advisable.

Idem.

(3) The council of the said Corporation may from time to time fix, charge and collect such rates, fees, admissions, rentals or other amounts as it may deem advisable for the use of or admission to the skating rink and community centre or any part thereof.

Road allow-
ance closed.

5. The original road allowance along the McKellar River in front of Lots 6 and 7 in Concession "D" of the Township of Neebing Additional on Island Number Two now in the City of Fort William, excepting portions owned by the Canadian Pacific Railway Company and His Majesty the King through the Public Works Department of the Dominion of Canada, is hereby stopped up and closed as a public highway and the same is hereby vested in The Northern Engineering & Supply Company Limited.

Housing
agreement
validated.

6. The agreement dated the 15th day of October, 1945, made between the Corporation of the City of Fort William and His Majesty the King in right of Canada and Wartime Housing Limited and set forth as schedule C hereto is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing agreement, and the said City Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

7. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. _{ment of Act.}

8. This Act may be cited as *The City of Fort William Act*, Short title.
1946.

SCHEDULE A

MEMORANDUM OF AGREEMENT made in Quadruplicate this 14th day of October, A.D. 1945

BETWEEN:

THE CITY OF FORT WILLIAM, hereinafter called the CITY,

OF THE FIRST PART;

—and—

THE DIRECTOR, THE VETERANS' LAND ACT, hereinafter called THE DIRECTOR,

OF THE SECOND PART.

A VETERAN shall mean a Veteran as defined in the Veterans' Land Act, being Chapter 33 of 6 Geo. VI and amendments thereto, and a UNIT shall mean a holding disposed of to a Veteran.

WHEREAS The City has agreed to transfer a clear Absolute Title to The Director to the lands hereinafter described free of all encumbrances for the purposes of settlement of Veterans as herein before defined subject to the terms, conditions, obligations and agreements hereinafter contained and subject to the provisions of The Veterans' Land Act;

AND WHEREAS the Director has agreed to accept the transfer of the lands for the purposes aforesaid and make disposal thereof to Veterans in accordance with the terms and conditions hereinafter contained and subject to the provisions of the Veterans' Land Act;

AND WHEREAS the said lands are now subdivided and it is necessary for the purposes of The Director that the present plans covering the said lands and subdivisions thereof be cancelled;

AND WHEREAS it is necessary that certain streets and lanes be constructed and that certain utilities be provided for the purpose aforesaid,

NOW THEREFORE in consideration of the premises and mutual covenants and agreements herein contained by and on behalf of the parties hereto, IT IS AGREED AS FOLLOWS:

(1) THE DIRECTOR agrees to pay to The City the sum of \$16.00 as a purchase price for the lands hereinafter described.

(2) THE CITY agrees to transfer to The Director for the purposes aforesaid the following lands, consisting of approximately 16 acres, that is to say:

Part of Lot Ten (10) Concession I, City of Fort William, which Land is bounded by Northern Avenue, Vickers Street, Syndicate-Avenue, The Canadian National Railways and William Street.

(3) THE DIRECTOR agrees that he will, at the earliest possible date, prepare and register plans for the re-subdivision of the said lands in accordance with the purposes of his requirements in parcels of approximately One (1) acre more or less or in parcels of such other area as may be approved by the City and according to a plan of survey to be approved of by the City which shall be done at the cost and expense of The Director.

(4) THE CITY will proceed at its own expense to obtain from the Legislature of the Province of Ontario the Necessary amendment to the Charter of the City to permit the City to comply with the terms and conditions of this Agreement.

(5) THE DIRECTOR agrees that he will erect upon the said properties

re-subdivided into units as referred to in Clause Three (3) hereof substantial four, five or six room bungalows or houses in accordance with certain plans and specifications, which shall be approved by the City, at such times and upon such units as shall at the discretion of the Director, be by him deemed advisable. The said houses shall be provided with suitable basements and shall be constructed at an approximate estimated present cost of not less than Forty-two Hundred Dollars (\$4,200.00). Such dwellings shall be set at a distance of approximately twenty-five feet (25') from the property line and shall be constructed in conformity with the Building, Plumbing and Zoning By-laws of the City.

(6) It is agreed by and between the parties hereto that no taxes shall be chargeable on any unit of the said lands until same has been sold by The Director to a beneficial occupant. Upon the disposition of any unit to any Veteran the said unit shall become liable to an annual taxation at a rate not to exceed Sixty Dollars (\$60.00) per annum plus a rate for water main frontage at 4c. per lineal foot frontage computed on the frontage of one street only, for a period of fifteen (15) years from the date of disposal of the said unit to a Veteran.

IT IS FURTHER AGREED that in the event of any unit being sold to any person other than a Veteran during the prescribed period the regular rate of taxation shall immediately become applicable.

IT IS FURTHER AGREED that in the event of a unit being disposed of to a Veteran, only a proportional part of the said taxation rate of Sixty Dollars (\$60.00), plus the rate for water main frontage at 4c. per lineal foot, computed on the frontage of one street only, shall be payable for that portion of the year of disposition to the said veteran during which the Veteran shall be in actual occupation of the said unit. In the event of any unit being disposed of to a Veteran as aforesaid and reverting to or being repossessed by the Director and granted or disposed of by The Director to any person other than a Veteran, the regular rate of taxation shall be applicable for that portion of the year following the date of such disposition and continued during that period of occupation of the said premises by any person other than a Veteran, PROVIDED that in the event of the subsequent redistribution of such unit to a Veteran the provisions with respect to limitation of taxation as herein provided shall apply thereto, AND FURTHER PROVIDED that such limitation of taxation shall apply so long as a Veteran shall remain the beneficial owner of the said unit whether in actual occupation thereof or otherwise.

AND FURTHER PROVIDED that the said limitation shall also apply if a Veteran established on such property dies, so long as the beneficial ownership of the same remains vested in the widow of the deceased Veteran or in any child or children of the deceased Veteran under twenty-one years of age or any of them and whether or not such widow, child or children or any of them are in actual occupation of the said property.

(7) THE CITY hereby agrees to install the required water and sewer facilities and, in the proper manner, to grade and gravel all streets and construct lanes as and when required by The Director, to serve all or any part of the said lands or subdivision thereof, and to proceed with the said work with the least possible delay immediately after being requested by The Director so to do.

The Director agrees that he will pay the City forthwith upon completion for the work in this Clause agreed to be performed by the City, including the laying of a 12" sewer on John Street approximately 1,328 feet in length from Northern Avenue to Canadian National Railway, grading and gravelling John Street approximately 1,341 feet in length from Northern Avenue to Canadian National Railway, such work and construction not to exceed the sum of Twelve Thousand Dollars (\$12,000.00) and the City agrees that if the cost of this work is found on completion to be less than the sum of Twelve Thousand Dollars (\$12,000.00), that the Director will pay only this lesser sum. The whole cost of installing water main plus engineering and overhead cost on John Street from Northern Avenue, to the Canadian National Railway, will be borne by the City, and not in any way to be included in the total cost of works of

which the Director is to pay up to said Twelve Thousand Dollars (\$12,000.00).

The Director further agrees that he will use his best efforts to secure for the City any additional man power required to do this work.

(8) THE CITY AGREES to extend its light and power lines to such units as may be required by the Director which shall be done at no expense to The Director nor to the unit holders other than charging of the usual monthly accounts for electric energy to the users thereof.

(9) THE DIRECTOR AGREES that when the various units are available for sale to Veterans a priority will be given to the applications of qualified Veterans from the City; PROVIDED that if there be no Veterans from the City properly qualified and recommended at such time as any units may be ready and available for disposition to Veterans The Director shall be at liberty to dispose of such units to any qualified Veteran.

(10) THE PARTIES HERETO AGREE that they will execute such further deeds, documents, assurances and consents as may be necessary to carry out the full intent and purposes of this Agreement.

(11) THIS AGREEMENT shall be binding upon and enure to the benefit of the parties hereto, their successors and assigns respectively.

IN WITNESS WHEREOF The Corporate Seal of the City of Fort William has been hereunto affixed attested by the hands of its proper officers and The Director has hereunto set his hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of:

Seal.

GARFIELD ANDERSON,
Mayor.

D. M. MARTIN,
Clerk.

G. MURCHISON,
Director, Veterans Land Act.

SCHEDULE B

CITY OF FORT WILLIAM

BY-LAW No. 3954

A By-law to provide for borrowing \$80,000.00 upon debentures to pay for the purchase of Winston Hall and the right, title and interest of His Majesty the King in the right of The Dominion of Canada in the lands hereinafter described and for the reconverting of the said Winston Hall into self-contained suites.

WHEREAS an acute shortage of housing accommodation exists in the City of Fort William and personnel of the Canadian Armed Services now returning from overseas, and other, find it impossible to obtain housing accommodation for themselves and their families.

AND WHEREAS for the purpose of relieving such shortage and rendering available additional accommodation for such personnel, and others, and their families, the Corporation has under consideration the purchase from His Majesty the King in the right of the Dominion of Canada the said lands and premises at a price of \$36,000.00, and it appears, from an estimate prepared by an architect employed by the Corporation for the purpose, that the cost of re-converting the said buildings will be \$40,000.00, and the additional extra expenses of the Corporation incidental thereto will be \$4,000.00.

AND WHEREAS for the purposes aforesaid, it is necessary to borrow on the credit of the Corporation the sum of \$80,000.00, which is the amount of the debt intended to be created by this By-law, and to issue debentures therefor payable within ten years from the time when the same are issued and bearing interest at the rate of 3% per annum.

AND WHEREAS it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable in yearly sums during the said period of ten years, being the currency of the said debentures, of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be the same, provided, however, that each instalment of principal may be for an even \$100.00, or multiple thereof, and that, notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

AND WHEREAS it will be necessary to raise in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the schedule contained in Section 3 hereof to pay it, when and as it becomes due, which yearly sum, less the net amount of any revenue received by the Corporation from rentals of the accommodation provided, shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last Revised Assessment Roll is \$30,257,929.00, including \$1,297,125.00 liable for taxation for school purposes only and which is exempt from general taxation.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation, exclusive of Local Improvement Debentures, is \$4,012,249.56, and no part of the principal or interest thereof or thereon is in arrears.

NOW, THEREFORE, the Council of the Corporation of the City of Fort William enacts as follows:

1. That the Corporation do forthwith proceed with the purchase of the said Winston Hall and the right, title and interest of His Majesty

the King in the right of The Dominion of Canada in the lands described in Instruments registered in the Registry Office for the Registry Division for the District of Fort William as Numbers 9031 E for Fort William E, 9044 E for Fort William E and 9049 E for Fort William E and with the reconversion of the said Winston Hall into self-contained suites at a total cost not exceeding \$80,000.00, and to provide such sum of \$80,000.00 by the issue and sale of debentures as hereinafter set forth.

2. For the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$80,000.00, and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of 3% per annum, payable half-yearly, and having coupons attached thereto for the payment of the interest thereon payable at the place or places where the said debentures are made payable.

3. The said debentures shall all bear the same date, and shall be issued within two years after the passing of this By-law, and may bear any date within such two years, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal and interest in each of such years shall be as follows:

Year	Principal	Interest	Annual Payment
1st.	\$7,000.00	\$2,400.00	\$9,400.00
2nd.	7,000.00	2,190.00	9,190.00
3rd.	7,000.00	1,980.00	8,980.00
4th.	8,000.00	1,770.00	9,770.00
5th.	8,000.00	1,530.00	9,530.00
6th.	8,000.00	1,290.00	9,290.00
7th.	8,000.00	1,050.00	9,050.00
8th.	9,000.00	810.00	9,810.00
9th.	9,000.00	540.00	9,540.00
10th.	9,000.00	270.00	9,270.00
	<u>\$80,000.00</u>	<u>\$13,830.00</u>	

4. The debentures, as to both principal and interest, shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. Each of the debentures shall be sealed with the seal of the Corporation and signed by the Mayor of the Corporation, or by some other person authorized by By-law to sign the same, and by the Treasurer, and shall have coupons attached thereto for the payment of interest, and the coupons for the interest shall be signed by the Treasurer and his signature to them may be written, stamped, lithographed or engraved.

6. During the currency of the said debentures, there shall be levied and raised in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the schedule contained in Section 3 hereof, by special rates sufficient therefor, over and above all other rates on all the rateable property in the City of Fort William, at the same time and in the same manner as other rates. Provided however, that the amount to be raised by such special rate in any year shall be reduced by the amount of the net revenue from the property which net revenue shall be the amount of the revenue received from the said property, after providing for the expenditures incurred for the maintenance and operation of the said property in such year, as estimated by the Corporation, and provided further that any deficiency in any year due to the net revenue being less than that estimated for such year, such deficiency shall be included in the amount for which rates are to be levied in the next following year. Such net revenue shall be applied in payment pro tanto of the said debentures.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force and effect at the time of the issue thereof.

8. The debentures to be issued hereunder falling due in the last or

tenth year, and being the debentures having the latest maturity date, shall be redeemable at the option of the Corporation on any date prior to maturity in whole or in part at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, with interest accrued to date of redemption, upon giving the notice of intention to redeem required by *The Municipal Act* to be given to the person in whose name the debenture is registered and the notice required by the said Act to be published in *The Ontario Gazette* and upon publication of notice of said intention to redeem once in a Daily Newspaper of general provincial circulation, published in the City of Toronto, and once in a newspaper having a circulation in the Municipality, at least thirty days prior to the date fixed for redemption.

Read a first, second and third time this 9th day of October, 1945.

Seal.

(Signed) GARFIELD ANDERSON,
Mayor.

(Signed) D. M. MARTIN,
Clerk.

SCHEDULE C

THIS AGREEMENT made in triplicate this 15th day of October, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF FORT WILLIAM
(hereinafter called the "City"),

OF THE FIRST PART;

—and—

HIS MAJESTY THE KING IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada acting through Wartime Housing Limited (hereinafter called "His Majesty"),

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, A Company incorporated under the Dominion Companies Act, pursuant to the provisions of the Department of Munitions and Supply Act (being Statutes of Canada, 4 George VI, Chapter 3, as amended), (hereinafter called "the Company").

OF THE THIRD PART:

WHEREAS the City is the registered owner in fee simple of the various parcels of vacant land within the limits of the municipality of the City of Fort William situate on public streets having sidewalks, water mains, sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said municipality and the City being desirous of taking steps to alleviate such shortage has requested His Majesty to provide additional housing accommodation within the limits of the city of Fort William;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent and upon the terms and conditions all as hereinafter set forth, upon the condition that the City shall convey to His Majesty the land necessary to provide such additional accommodation which as appears by a resolution of the Council adopted at a special meeting held on the 12th day of October, 1945, the City has agreed to do upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this Agreement and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto mutually covenant and agree as follows:

1. The City shall convey to His Majesty in fee simple free and clear from all encumbrances including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are acceptable to His Majesty and as are set forth in the Schedule hereto annexed marked "A" (such parcels of land and such Schedule being hereinafter referred to respectively as "the building lots" and "the Schedule"), by deeds or transfers approved by the solicitors for His Majesty.

2. His Majesty in consideration of the conveyance provided for in

the next preceding clause shall pay or cause to be paid to the City the sum of One Dollar (\$1.00) for each of the building lots or each portion thereof upon which His Majesty or the Company intends to erect a house as hereinafter provided, such sum to be paid upon the execution and delivery of the deed or transfer of each such building lot or portion thereof.

3. Upon the execution and delivery of the conveyance provided for in clause 1 hereof His Majesty or the Company shall at His or its own cost and expense proceed forthwith:

A. To erect on the building lots so conveyed and set forth in the Schedule, such number of houses as His Majesty in his sole discretion may deem advisable (such houses being hereinafter referred to as "the houses"), at an average cost of approximately FOUR THOUSAND DOLLARS (\$4,000.00) each, to be of frame construction on cement blocks or solid concrete foundation to consist of any of the three types of houses shown on the plans of the Company, numbers H.5, H.6, drawings numbers 1-6 inclusive; numbers H.15, H.16, drawings numbers 1-7 inclusive and H.45, H.46, drawings numbers 1-8 inclusive and to be constructed in accordance with the specifications of the Company, dated June 1st, 1945 (which plans and specifications are filed with the City Clerk). The houses shall be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and shall be so erected and equipped with all due diligence and expedition. The said constructing and equipping is subject to the availability of the several materials and equipment and to the provisions of wartime regulations; and

B. To install all necessary water service and private drain connections from the lot lines of the City to the houses (the installations of the portions of such connections from the water mains and sewers of the City to the lot lines to be under the supervision of and satisfactory to the City Engineer), or the City shall make such installations and His Majesty or the Company shall pay to the City its reasonable and proper costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost shall in the absence of fraud or mistake be conclusive evidence of the same and shall be final and binding on the Parties hereto; Provided that such installations shall in all cases include such re-laying of street pavement as shall be required after and as a result of effecting such installations as in the honest opinion of the said City Engineer shall be necessary; Provided, also and it is hereby expressly declared and agreed by and between the Parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company and shall thereafter be maintained and repaired by the City at its own cost and expense except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or maintenance of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in Clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada or who has been killed on active service in such war, at rents ranging from Twenty-two Dollars (\$22.00) to Thirty Dollars (\$30.00) per month per house; Provided, however, that whenever and so often as any of the houses is or becomes vacant and there are no applications of any such sailor, soldier, airman or dependents thereof acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall in its uncontrolled discretion determine; And it is

hereby expressly declared and agreed by and between the Parties hereto that all water, gas and electric current supply charges or rates in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company at their own cost and expense, shall undertake and carry out the management and control of the houses and all appurtenances thereto belonging and shall at all times well and sufficiently repair, maintain, and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. The City Covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the City as are furnished or made available to other properties or property owners and tenants in the City including without limiting the generality of the foregoing, fire protection, police protection and schools.

7. Subject to the provisions of Clause 10 hereof His Majesty and/or the Company shall pay to the City on the 1st day of the month of October in each of the years 1945 to 1960, both inclusive, for services rendered and privileges and facilities made available the sum of Twenty-four Dollars (\$24.00) in respect of each of the houses containing two bedrooms and the sum of Thirty Dollars (\$30.00) in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. Subject to the provisions of Clause 10 hereof, His Majesty and/or the Company in addition to the payments provided for in Clause 7 hereof shall pay to the City on the 1st day of the month of October in each of the years 1945 to 1960 both inclusive, the sum of One Dollar (\$1.00) in respect of each of the houses in consideration for the street lighting services to be supplied by the City for the houses; Provided that such payments shall be pro-rated in respect of the portion of the first year in which each of the houses is constructed.

(a) Should it be necessary to revise the estimated cost of the houses, then it will be necessary to revise the duration of this Agreement as follows: for each Two Hundred Dollars (\$200.00) to be added to the estimated cost of the houses, one year is to be added to the duration of this Agreement and for each Two Hundred Dollars (\$200.00) to be subtracted from the estimated cost of the houses, one year is to be subtracted from the duration of this Agreement.

9. In consideration of the payments provided for in Clause 7 and 8 hereof the City agrees not to levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupants of the houses while the same are owned by His Majesty; Provided that nothing contained in this Clause shall be deemed to limit the right of the City to charge the tenants or occupants of the houses while the same are owned by His Majesty, the public utility rates, and other charges provided for in clause 4 hereof, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the municipality of Fort William.

Nothing in this Agreement contained shall limit the right of the municipality to collect poll tax from any person resident in the houses.

10. The provisions of this Agreement except Clause 13 hereof shall only affect the houses and lands appurtenant thereto while owned by His Majesty and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided, however, that whenever and so often during the period from the date hereof to the 31st day of December, 1950 (both dates inclusive) as His Majesty shall sell or transfer any of

the houses and lands appurtenant thereto, His Majesty and/or the Company shall pay to the City the sum of Four Hundred Dollars (\$400.00) in respect of the land appurtenant to each house so sold; And provided that whenever during the period from the 1st day of January, 1951 to the 31st day of December 1955 (both dates inclusive) as His Majesty shall sell or transfer any of the houses and land appurtenant thereto His Majesty and/or the Company shall pay to the City the sum of Two Hundred Dollars (\$200.00) in respect of the land appurtenant to each house so sold. PROVIDED FURTHER that in the year in which any house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in Clauses 7 and 8 hereof shall be pro rated proportionately to the part of the year during which His Majesty was owner of such house or houses and the lands appurtenant thereto.

11. His Majesty in consideration of the City entering into and executing these presents, hereby gives to the City an option irrevocable within the time for acceptance herein limited to purchase free from all encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lots owned by His Majesty on January 1st, 1961 as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company for the sum of One Thousand Dollars (\$1,000.00), for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of January, 1961 to the 31st day of March, 1961, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Clerk of the City sealed with the Corporate Seal of the City mailed postage prepaid and registered, addressed to His Majesty in care of the Company at 55 York Street, Toronto (or such other address as may be designated by His Majesty or the Company in writing), stating in such letter that this option is accepted and enclosing therewith an accepted cheque payable to the order of His Majesty in the amount of ten per centum (10%) of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty (60) days from the date of acceptance, all adjustments to be made as of the 31st day of March, 1961, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

12. His Majesty and/or the Company from and after the 1st day of April, 1961, shall pay annually to the City in respect of each house and the land appurtenant thereto while owned by His Majesty for services rendered and privileges and facilities made available, a sum equal to the amount of the taxes, rates and/or assessments, including local improvement rates, that would be payable in respect thereof if the same were owned by a non-exempt person, company and/or corporation. Such sum shall be paid to the City on or before the 31st day of December in each year commencing with the year 1961; provided that such payments shall be pro-rated in respect of the portion of the year in which each of the said houses and lands appurtenant thereto ceases to be owned by His Majesty.

13. Any existing or future provisions of the charter and/or by-laws of the City respecting the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

14. In the event that any of the houses while owned by His Majesty are damaged by fire or the elements or otherwise prior to the 1st day of April, 1961, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair or rebuild such house or completely remove the remains of such damaged house from the building lot or portion thereof appurtenant thereto. In the event of the removal of such damaged house His Majesty shall for the nominal sum of One Dollar convey to the City in fee simple free from all encumbrances (save and except any encumbrance which may be registered against such building lot or portion thereof at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the

building lot or portion thereof formerly appurtenant to such house. Such conveyance shall be by a deed or transfer approved by the solicitor for the City.

15. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario Legislation validating and confirming this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Seal.

THE CORPORATION OF THE CITY
OF FORT WILLIAM

Per (Signed) GARFIELD ANDERSON,
Mayor.

Per (Signed) D. M. MARTIN,
Clerk.

HIS MAJESTY THE KING IN RIGHT
OF CANADA herein represented
by the Minister of Munitions
and Supply of Canada acting
through WARTIME HOUSING
LIMITED.

Per (Signed) B. A. BOULTEN,

Per (Signed) R. A. NEWCOMBE,

WARTIME HOUSING LIMITED:

Per (Signed) B. A. BOULTEN,

Per (Signed) R. A. NEWCOMBE.

FORT WILLIAM, ONT.—PROJECT No. 7

PROPOSED CITY PROPERTY FOR SOLDIERS' HOUSES

Parcel No.	Description	Location Next to	Front-age	Depth	No. of Houses
1.	W. 50' Lot 69, N/S W. Mary St., Plan 42.	311 W. Mary St.	50'	155'	1
2.	Lots 7-8, E/S Edward St., Block 2, Plan 70.	1016 Edward St.	50'	118'	1
3.	W. 1½ Lots 90-91, Block 2, Plan 70, N/S E. Mary St.	113 E. Mary St.	37.5'	155'	1
4.	E. 1½ Lots 88-89-90-91, and W. 1½ Lot 92, S/S W. Mary St., Plan 42.	300 W. Mary St.	264'	155'	6
5.	E. 1½ Lot 99, Lot 100, Plan 42, S/S W. Mary St.	256 W. Mary St.	99'	155.5'	3
6.	Lots 52-53 S. Mary St.	West of House 236.	100'	155'	2
7.	Lots 64-65, S/S W. Mary St., Plan 222.	224 W. Mary St.	50'	155.5'	1
8.	Lots 67-68, S/S Mary St., Plan 222.	212 W. Mary St.	250'	155'	1
9.	Lots 20-29, S. Mary St., Block J, Plan 70.	West 1101 Edwards	50'	118'	6
10.	Lots 7, 8, 9, S. 1½ Lot 10, Block 3, Plan 70.	1106 Edward St.	87.5'	155'	2
11.	W. 41' Lot 38, N. Brock St., T. Plot.	177 E. Brock St.	41'	155'	1
12.	Lot 55, E. 1½ Lot 56, N/S E. Brock St., Block 3, Plan 70.	127 E. Brock St.	37.5'	155'	1
13.	Lots 37, 38, W/S Edward St., Block J, Plan 70.	1113 Edward St.	50'	122'	1
14.	Lots 43-44 N/S W. Brock St., Block J, Plan 70.	117 W. Brock St.	50'	155'	1
15.	Lots 51-55-56, N/S W. Brock St., Block J, Plan 70.	141 W. Brock St.	75'	155'	2
16.	Lots 78-79-80-81, W/S Brown St., Plan 222.	56' No. of Brock	100'	109.9'	2
17.	Lots 20-21, S/S W. Brock St., Block L, Plan 70.	132 W. Brock St.	50'	155'	1
18.	Lots 24, 25, 26, and W. 15' Lot 27, S/S E. Brock St., Blk. 4, Plan 70.	144 E. Brock St.	90'	155'	2
19.	W. 1½ Lots 39, 40, S/S E. Francis St., Town Plot.	170 E. Francis St.	198'	155'	5
20.	Lots 20-27, N. Frederica, Block O, Plan 70.	Bet. H. uses 231-249.	205'	155'	5
21.	Lots 15-16 N. Frederica, Block O, Plan 70.	Opp. House 222.	50'	155'	1
22.	Lots 1-2, N/S E. Empire Ave., Plan 236.	405 E. Empire Ave.	50.24'	120'	1
23.	Lot 8, N/S Christina St., T. Plot.	473 E. Christina	132'	155'	3
24.	Lot 28, N. Christina St., T. Plot.	273 E. Christina	132'	155'	3
25.	W. 76' of E. 92' of Lot 7, less C.P.R., S/S Christina St., T. Plot.	496 E. Christina	76'	155'	2
26.	E. 88' Lot 14, E/S Brock St., T. Plot.	411 E. Brock St.	88'	155'	2
27.	W. 68' Lot 29, N/S E. Brock St.	271 E. Brock St.	66'	155'	1
28.	Lot 32, S/S E. Brock St., T. Plot.	228 E. Brock St.	132'	155'	3
29.	Lots 13-14, S/S E. Brock St.	408 E. Brock St.	264'	155'	6

PROPOSED CITY PROPERTIES FOR SOLDIERS' HOUSES

Parcel No.	Description	Location Next to	Frontage	Depth	No. of Houses
30.	C42' Lot 8, N/S E. Francis St.	481 E. Francis St.	42'	155'	1
31.	Lot 9, N/S Francis St., T. Plot.	463 E. Francis St.	132'	155'	3
32.	Lots 32-33, S/S E. Francis St., T. Plot.	218 E. Francis St.	264'	155'	6
33.	Lot 26, S. Francis St., T. Plot.	292 E. Francis St.	165'	118'	4
34.	Lot 26, N. Amelia St., T. Plot.	293 E. Amelia St.	165'	118.3'	4
35.	E. 66' Lot 28, N/S E. Amelia St., T. Plot.	277 E. Amelia St.	66'	155'	1
36.	E. 50' W. 100' Lot 33, S. Amelia St.	230 E. Amelia St.	50'	155'	1
37.	{ Lot 21, less S.E. Corner of South Amelia. Lot 22, S/S Amelia St., T. Plot. Lot 23, S. Amelia St., T. Plot. Lot 24, S. Amelia St., T. Plot.	{ 378 E. Amelia St. 378 E. Amelia St. 378 E. Amelia St. 1402 Tarbutt St.	{ 132' 132' 132' 132'	{ 155' 155' 155' 155'	{ 13 100

CHAPTER 119.

An Act respecting the City of Guelph.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Guelph has Preamble.
 by its petition prayed for special legislation to confirm
 certain conveyances heretofore made and to increase the
 number of the members of the Board of Light and Heat Com-
 missioners and to increase the number of the members of the
 General Hospital Commission; and whereas it is expedient
 to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The conveyance by the Corporation of the City of Guelph to The Regent Knitting Mills Limited of certain lands in the said City of Guelph more particularly described in a deed dated the 19th day of June, 1928, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 25th day of June, 1928, in Book C. 36 for the City of Guelph as No. 30070, set out as schedule A hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the rate-payers thereof. Regent Knitting Mills Ltd. conveyance validated.

2. The conveyance by the Corporation of the City of Guelph to Charles Pettiford, to the use of the Robertson Taylor Manufacturing Co. Ltd., of certain lands in the said City of Guelph more particularly described in a deed dated July, 1900, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 7th day of February, 1901, in Book C for the City of Guelph as No. 460, set out as schedule B hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof. Charles Pettiford conveyance validated

3. The conveyance by the Corporation of the City of Guelph to Zephyr Looms & Textiles Limited of certain lands Zephyr Looms & Textiles Ltd. conveyance validated.
 in

in the said City of Guelph more particularly described in a deed dated the 17th day of September, 1945, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 10th day of November, 1945, in Book C. 53 for the City of Guelph as No. 44790, set out as schedule C hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

1929, c. 102
s. 4, subs. 1,
re-enacted.

4. Subsection 1 of section 4 of *The City of Guelph Act, 1929*, is repealed and the following substituted therefor:

Composition
of Board of
Light and
Heat Com-
missioners.

4.—(1) The Board of Light and Heat Commissioners of the City of Guelph shall consist of five members, of whom the mayor shall *ex officio* be one, and two members shall be appointed for the balance of the year 1946 by the municipal council at its first meeting after this Act comes into force. At the first meeting in each year thereafter the municipal council shall appoint four members, two of whom shall hold office for two years and two of whom shall hold office for one year, and all of whom shall continue to hold office until the expiration of the term for which they are appointed. The commissioners to be appointed shall not be members of the said council.

1930, c. 81
s. 5,
re-enacted.

5. Section 5 of *The Guelph General Hospital Act, 1930*, is repealed and the following substituted therefor:

Commission
to manage
hospital.

5. The council of the corporation shall appoint a commission of nine persons which shall include the mayor of the City of Guelph for the time being, which said commission shall have the management and control of the said hospital and shall have power to appoint, engage and remove all officers, nurses, servants and other persons engaged in or about the said hospital. All the members of the said commission shall be residents of the City of Guelph and shall possess property qualifications similar to those required for members of the said council, but no member of the said council, except the mayor, shall be a member of the said commission. Two members of the said commission shall be appointed for the balance of the year 1946 in addition to the members of the said commission heretofore appointed for the year 1946 by the said council, and at the first meeting of the said council in the year 1947 two members shall be appointed for a term of four years, two for a term of three years, two for a term of two years and two for a term of one year, and thereafter at the first meeting

of the said council in each year the said council shall appoint two members of the said commission to fill the places of the retiring members. The members of the said commission upon retirement shall be eligible for re-appointment. Five members of the said commission shall constitute a quorum for all purposes.

6. This Act shall come into force on the day upon which it ^{Commence-}recieves the Royal Assent. _{ment of Act.}

7. This Act may be cited as *The City of Guelph Act, 1946*, ^{Short title.}

SCHEDULE A

THIS INDENTURE made (in duplicate) the Nineteenth day of June, one thousand nine hundred and twenty-eight.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT,

BETWEEN:

THE CORPORATION OF THE CITY OF GUELPH, hereinafter called the "Grantor"

OF THE FIRST PART,

— and —

THE REGENT KNITTING MILLS LIMITED, hereinafter called the "Grantee"

OF THE SECOND PART.

WITNESSETH, that in consideration of One hundred and Sixteen and 20/100 (\$116.20) Dollars of lawful money of Canada, now paid by the said Grantee to the said Grantor, the receipt whereof is hereby by it acknowledged, it the said Grantor DOTH GRANT unto the said Grantee in fee simple

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario; being composed of part of the block of land known as the Market Place as shown on the Canada Company's Survey of the Town, now City of Guelph; containing an area of Seven Hundred and Sixteen (716) square feet, be the same more or less, and which said parcel or tract of land and premises may be more particularly described as follows:—

Commencing at a point in the westerly limit of Farquhar Street produced, distant two hundred and twenty-seven and three-tenths (227.3) feet more or less measured northerly along the said limit from its intersection with the production westerly of the northerly limit of Huskisson Street; the said point of commencement being also distant one hundred and fifty-six (156) feet measured northerly along the said westerly limit of Farquhar Street produced from the point where the line of the northerly face of the old drill shed would intersect the said limit of Farquhar Street produced;

Thence north 20 degrees 50 minutes east along the said limit of Farquhar Street produced, seventy-three and forty-two one hundredths (73.42) feet;

Thence south 50 degrees 37 minutes east sixteen and six one-hundredths (16.06) feet;

Thence south 20 degrees 50 minutes west twenty and seventeen one-hundredths (20.17) feet;

Thence south 38 degrees 23 minutes west fifty and seventy-seven one-hundredths (50.77) feet, more or less to the place of beginning as the same is shown bordered red on the sketch attached thereto.

TO HAVE AND TO HOLD unto the said Grantee its successors and assigns to and for its and their sole and only use forever.

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

THE said Grantor COVENANTS with the said Grantee THAT it has the right to convey the said lands to the said Grantee notwithstanding any acts of the said Grantor.

AND that the said Grantee shall have quiet possession of the said lands, free from all incumbrances.

AND the said Grantor COVENANTS with the said Grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said Grantor COVENANTS with the said Grantee that it has done no act to incumber the said lands.

AND the said Grantor RELEASES to the said Grantee ALL its claims upon the said lands.

IN WITNESS WHEREOF the said parties hereto of the First part has set its Corporate Seal by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED
In the presence of:
(Signed) A. C. LITTLE,
Corporate Seal.

(Signed) R. B. ROBSON,

(Signed) HERBERT J. B. LEADLAY,
Clerk.

SCHEDULE B

THIS INDENTURE made in duplicate the _____ day
of July, 1900,

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH,
OF THE FIRST PART;

CHARLES PETTIFORD, of the City of Guelph in the County
of Wellington,
— and —
OF THE SECOND PART;

THE ROBERTSON-TAYLOR MANUFACTURING COMPANY
LIMITED,
OF THE THIRD PART.

WHEREAS the parties of the first part obtained, through a dedication thereof by the Canada Company, for market purposes, a certain square in the City of Guelph known as the Market Square;

AND WHEREAS the part of the said Market Square hereinafter described is no longer required for market purposes, and the Canada Company has consented to the disposition by the Council of the Corporation of the City of Guelph of the part of the said square hereinafter described, for manufacturing purposes, and the parties of the first part have agreed to execute a conveyance of the said portion of the said square hereinafter mentioned and described, to the use of the parties of the third part, their successors and assigns, for manufacturing purposes, subject to the conditions hereinafter expressed;

AND WHEREAS it was agreed between the parties hereto of the first and third parts that the conditions above referred to, to which these presents are subject, should be so expressed under the Statute of Uses or otherwise as to cause the property hereby conveyed to the use of the parties of the third part, their successors and assigns, to revert to the said parties of the first part, in the case of the said parties of the third part, their successors and assigns, failing to observe the said conditions;

AND WHEREAS the said parties of the first part have agreed with the said parties of the third part to execute these presents in pursuance of the above recited agreement and in consideration of the sum of Two hundred and fifty dollars (the receipt whereof is hereby acknowledged), and to convey the said property to the said party of the second part and his heirs and to the uses and subject to all the conditions hereinafter particularly set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the said parties of the first part DO GRANT unto the said party of the second part and his heirs, to the uses hereinafter expressed.

ALL and SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph in the County of Wellington and Province of Ontario, being composed of part of the block of land known as the Market Square in the Canada Company's Survey of the said City, and which may be more particularly described as follows:—

Commencing at a point where a stone monument has been planted on the north-westerly limit of Farquhar Street produced and at a distance of one hundred and thirteen and one-half feet measured north-easterly from the point where the prolongation of the north-easterly limit of Huskisson Street intersects the said limit of Farquhar Street produced two hundred and thirty-six feet to where a stone has been planted to mark the easterly angle of the said parcel of land,

Thence north forty-nine degrees west, twenty-five feet to where a stone has been planted at the northerly angle of the said parcel of land,

Thence south thirty-seven degrees and ten minutes west two hundred and fifty-eight feet to where a stone has been planted at the westerly angle of the said parcel of land,

Thence south sixty-nine degrees and ten minutes east one hundred and two feet to the place of beginning,

Containing 34/100 of an acre, be the same more or less, and is shown coloured on the sketch thereto attached.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns forever, to the following uses, that is to say,

(1). To the use of the said The Robertson-Taylor Manufacturing Company, Limited, the parties hereto of the third part, their successors and assigns, until the breach by the said parties of the third part, their successors and assigns, of any or all of the conditions hereunder to which these presents are expressly subject, and from and after any such breach by the said parties of the third part, their successors and assigns, of any or all of the said conditions to such further uses as are hereinafter set forth, the above-mentioned conditions being the following, that is to say:—

The said Parties of the third part shall, within four months' from the day of the date hereof, erect upon the part of the said Market Square property more particularly described as aforesaid, a brick factory, with stone foundation, of at least the following dimensions, that is to say, Eighty feet by forty feet, two storeys and a basement; and that the said land hereby conveyed and the said factory so to be erected as aforesaid shall in all time to come be used by the said parties of the third part their successors and assigns, for manufacturing purposes only;

And from and after the failure by the said parties of the third part, their successors and assigns, to observe any or all of the above conditions, or from and after the breach by them, their successors or assigns, of any or all of the said conditions;

TO THE USE of the Municipal Corporation of the City of Guelph, the parties hereto of the first part, and their successors forever;

And the said parties of the third part for themselves, their successors and assigns, covenant with the said parties of the first part, that upon the failure by them, their successors or assigns, to perform any or all of the conditions above-mentioned, or upon any breach of any or all of the said conditions by them, their successors or assigns, they the said parties of the third part, their successors or assigns, will execute such release to the said parties of the first part of all claims, right, title or interest in the lands herein conveyed, as the said parties of the first part may deem requisite;

And the parties of the first part hereby covenant with the parties of the third part that so long as the parties of the third part, their successors and assigns, shall, by virtue hereof, be entitled to the said land hereby conveyed and to the use thereof, they the said parties of the first part, their successors and assigns, shall not erect any building within a distance of 15 feet from the south-westerly limit of the part of the said square hereby conveyed.

IN WITNESS WHEREOF, the parties hereto have executed these presents as follows,—The parties of the first part have caused their Corporate Seal and the signatures of the Mayor and City Clerk to be set hereto; the parties of the third part have caused their Corporate Seal and the signatures of their President and Secretary to be set hereto; and

the party of the second part has hereunto set his hand and seal; all the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of

(Signed) R. E. NELSON,
Mayor.
Corporate Seal.

(Signed) RICHARD MITCHELL,
City Clerk.

SCHEDULE C

THIS INDENTURE made in duplicate the Seventeenth day of September in the year of our Lord one thousand nine hundred and forty-five

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT:

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH,
hereinafter called the Grantor,

OF THE FIRST PART;

—and—

ZEPHYR LOOMS & TEXTILES LIMITED, whose Head Office
is in the City of Guelph in the County of Wellington,
hereinafter called the Grantee,

OF THE SECOND PART.

WITNESSETH that in consideration of the sum of Two Thousand Five Hundred (\$2,500.00) dollars of lawful money of Canada now paid by the said grantee to the said grantor (the receipt whereof is hereby by it acknowledged) the said Grantor DOth GRANT unto the said grantee in fee simple ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Guelph in the County of Wellington and Province of Ontario being composed of part of the Market Square or Market Place as shown on the Canada Company's Survey of the Town, now City of Guelph; containing an area of three-tenths (0.3) of an acre, more or less, and which said parcel or tract of land and premises may be more particularly described as follows: premising that all bearings herein are referred to the line of Farquhar Street which is assumed to be north 20 degrees 50 minutes east commencing at an iron bar planted at the point where the production north-easterly of the north-westerly limit of Farquhar Street is intersected by the production north-westerly of the north-easterly limit of Huskisson Street; thence north 69 degrees 59 minutes west along the said production of the north-easterly limit of Huskisson Street eighty-nine (89) feet; thence north 52 degrees 29 minutes west forty-six and thirty-five one-hundredths (46.35) feet more or less to the south-easterly limit of lands of the Canadian National Railway Company; thence north 38 degrees 23 minutes east along the said last mentioned limit one hundred and three and seventy-three one-hundredths (103.73) feet to the westerly angle of the lands formerly conveyed by the Corporation of the City of Guelph to Charles Pettiford by Registered Instrument No. 460 Book C. for said City, which said lands are now owned by the Zephyr Looms & Textiles Limited; thence south 70 degrees 13 minutes east along the south-westerly limit of said lands so conveyed one hundred and two (102) feet to the production north-easterly of the said north-westerly limit of Farquhar Street; thence south 20 degrees 50 minutes west along said production one hundred and twelve and eight-tenths (112.8) feet more or less to the place of beginning.

TO HAVE AND TO HOLD unto the said grantee its successors and assigns to and for their sole and only use forever,

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said grantor COVENANTS with the said grantee THAT it has the right to convey the said lands to the said grantee notwithstanding any act of the said grantor.

AND that the said grantee shall have quiet possession of the said lands free from all encumbrances.

AND the said grantor COVENANTS with the said grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said grantor COVENANTS with the said grantee that it has done no act to encumber the said lands.

AND the said grantor RELEASES to the said grantee ALL its claims upon the said lands.

IN WITNESS WHEREOF the Municipal Corporation of the City of Guelph has hereunto affixed its Corporate Seal attested by the hands of the Mayor and Clerk of the said Corporation.

SIGNED, SEALED AND DELIVERED

In the presence of
Corporate Seal.

THE MUNICIPAL CORPORATION OF
THE CITY OF GUELPH

(Signed) G. RIFE,

Mayor.

(Signed) HERBERT J. B. LEADLAY,
Clerk.

CHAPTER 120.

An Act respecting the City of Hamilton.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Hamilton has Preamble.
by its petition prayed for special legislation to validate an agreement between the Hamilton Amateur Athletic Association and the Board of Park Management of the Corporation of the City of Hamilton to transfer the premises of the Association to the Board and to terminate the corporate existence of the Association; and for special legislation in respect of the celebration of the centenary of the incorporation of the City of Hamilton; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The agreement dated the 29th day of September, 1945, made between the Board of Park Management of the Corporation of the City of Hamilton and the Hamilton Amateur Athletic Association, set out as schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto. Park Board
—H.A.A.A.
agreement
validated.

(2) On the delivery of the conveyance referred to in the said agreement the corporate existence of the Hamilton Amateur Athletic Association shall be terminated. H.A.A.A.
corporate
existence
terminated.

2.—(1) The council of the Corporation of the City of Hamilton may appropriate and expend a sum not exceeding \$25,000 out of the current revenues of the Corporation in celebration of the centenary of the incorporation of the City of Hamilton, and may, by resolution, provide that the control and expenditure of the said sum or any part thereof shall be entrusted to and vested in a special committee appointed by the council and composed of such ratepayers or residents of the City as the council may appoint, with power to the committee in the name of the Corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the committee. Power to
expend
\$25,000 for
centenary
celebration.

Revenues to
be paid to
clerk.

(2) The net revenues derived by the committee from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the City and such revenues shall form part of the current revenues of the Corporation.

Reserve of
\$15,000.

(3) Notwithstanding the provisions of subsection 1, if the committee expends more than \$25,000 the council may pay additional sums not exceeding \$15,000 out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Hamilton Act, 1946*.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this 29th day of September, 1945.

BETWEEN:

HAMILTON AMATEUR ATHLETIC ASSOCIATION, an existing Corporation organized under the laws of the Province of Ontario, hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE BOARD OF PARK MANAGEMENT of the Corporation of the City of Hamilton, hereinafter called the "Purchaser",

OF THE SECOND PART.

WHEREAS the Vendor is the owner of the lands and premises hereinafter described in Schedule "A" hereto, and have used the same for many years for the promotion and maintenance of athletic and other sports.

AND WHEREAS the Purchaser desires to acquire the said lands for the same objects and purposes and for other park and recreational purposes, and the Vendor has agreed to sell and transfer the same to the Purchaser on the terms and conditions hereinafter set forth.

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained and the sum of One Dollar paid by the Purchaser to the Vendor, the receipt whereof is hereby acknowledged, the parties hereto do hereby covenant and agree each with the other as follows:

1. The Vendor agrees to convey to the Purchaser at the earliest possible moment and as soon as all legal requirements have been fulfilled the lands and premises described in Schedule "A" hereto.

2. Immediately after the execution of this agreement, the Vendor shall call and hold meetings of directors and shareholders of the Vendor to obtain their approval of this agreement and of any necessary By-laws and resolutions for the carrying out of this agreement, and for the winding up of the Vendor and the surrender of its charter.

3. As part consideration for the conveyance aforesaid, the Purchaser agrees to take up and register a discharge of the existing mortgage on the lands described in Schedule "A" hereto before the delivery of the conveyance contemplated, which said mortgage is from the Vendor to D. R. C. Martin and is dated the 11th day of July, 1940, upon which there is owing for principal the sum of \$7,000.00, together with interest on the said sum at the rate of 6% per annum from the 11th day of January, 1941. The Purchaser further agrees to have this agreement and the conveyance contemplated validated by a Special Act of the Province of Ontario which shall also provide for the termination of the Charter of the Vendor after the shareholders of the Vendor have approved of this agreement.

4. The Vendor shall be relieved of all liability for the payment of all taxes, whether Dominion, Provincial or Municipal, including local improvement taxes, owing or in arrears or accruing up to the date of delivery of the conveyance contemplated and to date of surrender of Vendor's Charter, which said taxes the Purchaser hereby covenants to assume and pay forthwith on delivery aforesaid.

5. The conveyance of the said lands by the Vendor is to be made to the Corporation of the City of Hamilton in the right of the Board of Park Management, and shall contain as a part consideration therefor a covenant that the said lands and premises shall be used in perpetuity for

athletic and other sports, for playing grounds and for other park and recreational purposes by the Board of Park Management, its successors and assigns.

6. The Vendor shall be under no liability to the Purchaser by entering into this agreement until the said agreement and the conveyance contemplated and the termination of the existence of the Vendor has been approved by the shareholders of the Vendor and by the said Special Act.

7. The Purchaser covenants with the Vendor as part of the consideration for the conveyance contemplated that the Purchaser will give to The Hamilton Tiger Football Club a priority in making arrangements to use the lands described in Schedule "A" hereto during the football season in each year for purposes of practice and of playing its games and will likewise give a similar priority to the Hamilton Tennis Club during the tennis season to use on reasonable terms that part of the above described lands and premises now being used by The Hamilton Tennis Club.

8. The Purchaser further agrees on delivery of the said conveyance to pay the account against the Vendor of the Tope Construction Company amounting to \$105.92.

9. It is understood that the conveyance of the said lands does not include any lockers, flood lights, power mower, office furniture, dining-room tables and chairs, gas stove, refrigerator and other chattels which belong to the Hamilton Tiger Football Club and also does not include any chattels or fixtures belonging to The Hamilton Tennis Club.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective corporate seals under the hands of their proper officers.

HAMILTON AMATEUR ATHLETIC ASSOCIATION,

R. H. ISBISTER,
President.

(Seal)

ARGUE MARTIN,
Secretary.

BOARD OF PARK MANAGEMENT,

C. V. LANGS,
Chairman.

(Seal)

C. N. STEWART,
Secretary.

This is Schedule "A" referred to in the agreement between Hamilton Amateur Athletic Association and The Board of Park Management of The Corporation of the City of Hamilton, hereunto annexed.

"All and singular that certain parcel or tract of land and premises situate, lying and being in the said City of Hamilton being composed of part of Park Lot Number Four lying between Bold Street and Charlton Avenue in James Mills Survey more particularly described as follows: COMMENCING at a point on the easterly boundary of said lot four thirty-one feet six inches southerly from the intersection of said easterly boundary with the northerly boundary of Duke Street, thence north seventy degrees forty-five minutes west four hundred and fifty-three feet eight inches more or less to the westerly boundary of said park lot four, thence southerly along the westerly boundary of said park lot four to the north side of Charlton Avenue, thence easterly along the northerly boundary of Charlton Avenue four hundred and fifty-six feet six inches more or less to the easterly boundary of said lot four, thence northerly along the easterly boundary of said lot four to the place of beginning, being all that portion of said park lot four south of the lands now owned by Emma Muriel Henderson.

CHAPTER 121.

An Act respecting James McKay and the Hamilton Police Benefit Fund.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Hamilton Police Benefit Fund was incorporated under the provisions of *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887; and whereas the amended consolidated by-laws of the said Fund have been filed with the Department of Insurance pursuant to *The Insurance Act*; and whereas James McKay, Esquire, became a member of the Police Force of the City of Hamilton and of the said Fund on or about the 30th day of May, 1907, and from then until the 30th day of September, 1944, the said James McKay contributed to the said Fund as if he were a member of the said Police Force and of the said Fund, and thereupon applied to the said Fund for a pension; and whereas the said James McKay was appointed a magistrate on or about the 10th day of July, 1928, and by reason of such appointment, doubt has arisen as to whether the said James McKay continued to be a member of the said Police Force and of the said Fund and as to the authority of the said Fund to pay any allowance or pension or other benefit of the said Fund to the said James McKay or his beneficiaries; and whereas to remove such doubt it is desirable to confirm that, for the purposes aforesaid, the said James McKay was a member of the said Police Force and of the said Fund as of the 30th day of September, 1944; and whereas the petitioner has by his petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in the rules and regulations of the Hamilton Police Benefit Fund, the said James McKay is hereby confirmed as a member of the Hamilton Police Benefit Fund from the 30th day of May, 1907, to the 30th day of September, 1944, and shall, for the purposes aforesaid, be deemed to have served continuously

Preamble.

1887, c. 172.

Rev. Stat.,
c. 256.

James
McKay
confirmed
as member
of Benefit
Fund and
Police Force.

upon the Police Force of the City of Hamilton during the said period.

Payments
from Fund
authorized.

(2) It shall be lawful for the said Fund and its trustees to pay to the said James McKay or his beneficiaries, the allowances, pensions and annuities payable in accordance with the rules and regulations of the said Fund, the same to be computed upon the scale on which the said James McKay contributed to the said Fund during the period mentioned in subsection 1.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The James McKay Act, 1946.*

CHAPTER 122.

An Act to incorporate the Kingsboro Club.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the petitioners have by their petition prayed Preamble.
that an Act may be passed to incorporate the Kingsboro
Club with the objects and powers hereinafter set forth; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. William A. Armstrong, Personnel Manager, Harold J. Kingsboro
Club incor-
porated.
Badden, Accountant, E. Roy Butler, Manager, Frank M.
Dowsett, Advertising Counsel, Frank C. Fletcher, Manager,
W. Earle Gordon, Managing Director, Stanley L. Holland,
Distributor, Arthur W. Hutchinson, Realtor, Herman L. D.
Kallmeyer, Sales Manager, Carman Mainprize, Druggist,
Colin D. McKinnon, Executive Assistant, Wilson E. McLean,
Barrister, Robert S. Parish, Salesman, Godfrey S. Pettit,
Realtor, Neil P. Peterson, Manufacturer, Arthur P. Reid,
Vice-President and Managing Director, Fred G. Reid, Income
Tax Expert, Harry C. Schwegler, Division Traffic Superin-
tendant, Clive M. Sinclair, Barrister, Dr. Leo Schumacher,
Dentist, and Harry C. Startup, Salesman, all of the City of
Toronto, in the County of York, in the Province of Ontario,
together with such other persons as become shareholders in
the corporation hereby incorporated, are hereby constituted a
body corporate and politic under the name "Kingsboro Club",
hereinafter called "the club".

2.—(1) The amount of capital of the club shall be three Capital.
hundred thousand dollars.

(2) The capital stock of the club shall be divided into six Shares.
thousand shares of fifty dollars each.

(3) The club shall have power to sell the shares at such Sale of
shares.
price and on such terms as may be provided from time to time
by resolution of the board of governors.

Head office.

3. The head office of the club shall be at or near the City of Toronto, in the County of York, in the Province of Ontario.

Objects and powers.

4.—(1) The objects of the club shall be and it shall have power,—

- (a) to promote, organize, conduct and manage a sports, recreational, social and educational club and to promote the welfare of the members thereof;
- (b) to purchase, take on lease, build, hire or otherwise acquire for the purpose of or for use in connection with the club or clubhouse, any lands, buildings, and other hereditaments, furniture, fixtures, machinery, fittings, equipment and other chattels, and to sell, mortgage, lease, surrender or let on hire all or any of the same, and to enter into and execute such building and other contracts as may be deemed advisable;
- (c) to erect, maintain, alter or improve any building or buildings for the purposes of the club;
- (d) to borrow money for the purposes of the club upon bank or other loan, upon pledge, hypothecation or mortgage of any or all of the property of the club and by the issue of bonds, debentures, debenture stock or other securities and to pledge or sell such bonds, debentures, or debenture stock or other securities for such sum and at such prices as may be deemed expedient or be necessary;
- (e) to pay for any property acquired by the club and any labour or services performed for or expenses incurred by the club in the capital stock of the club fully or partly paid up;
- (f) to invest and deal with any of the moneys of the club not immediately required for the purposes thereof upon such securities and in such manner as may be thought fit, and from time to time to vary or realize such investments; and
- (g) to afford all the usual privileges, advantages, conveniences and accommodation of a sports, recreational, social and educational club.

Income.

(2) No part of the income of the club shall inure to the benefit of any member or shareholder of the club.

Board of governors.

5.—(1) The affairs of the club shall be under the management of a board of governors, the number of whom and the method of whose election shall be governed by the by-laws of the club.

(2) The election of governors and all other questions voted on at a meeting of shareholders shall be decided by a plurality of the votes of the shareholders present in person; but no shareholder shall be entitled to more than one vote. ^{Election.}

(3) Subject to the provisions of section 6, the members of the board of governors shall continue in office for three years, unless the by-laws of the club otherwise provide, and until their successors have been appointed. ^{Term.}

(4) If any vacancy occurs in the board the remaining governors shall supply such vacancy for the balance of the term. ^{Vacancies.}

6. The persons named in section 1 shall constitute the first board of governors and they shall hold office as such until their successors are appointed in accordance with this Act or the by-laws of the club, but of the members of the first board of governors one-third shall retire at the end of their term of office, one third shall retire at the end of four years and the remaining third shall retire at the end of five years. The board of governors may, by resolution, prescribe the method of determining the retirements herein provided. ^{First board of governors.}

7.—(1) The board of governors may delegate any of their powers to committees consisting of such member or members of the club as they think fit. ^{Governors may delegate powers.}

(2) Any committee so formed shall in the exercise of the powers so delegated, conform and be subject to any directions, restrictions and regulations that may from time to time be imposed upon them by the board of governors. ^{Idem.}

8.—(1) No transfer of any share or shares of the club shall be made except by consent of the board of governors. ^{Transfer of shares.}

(2) All shares shall be transferred on the books of the club in such manner and subject to such restrictions and regulations as may be imposed by the by-laws of the club. ^{Idem.}

(3) Calls may be made upon such shares in such instalments and upon such notice as shall be regulated by the by-laws of the club. ^{Calls.}

(4) The club shall have power to repurchase and recall its own shares at such prices as it may deem advisable, but it shall not hold or own more than three hundred repurchased shares at any one time. ^{Repurchase and resale of shares.}

9. The club shall be entitled to treat the registered holder of any share as the absolute owner thereof, and accordingly ^{Share register.}

shall not, except as ordered by a court of competent jurisdiction, be bound to recognize any equitable or other claim to or interest in such share on the part of any other person.

Lien on
shares.

10. The club shall have a first and paramount lien upon all the shares registered in the name of each member (whether solely or jointly with others) and upon the proceeds of the sale thereof for his dues, fees, fines, penalties and engagements, solely or jointly with any other person, to or with the club, whether the period for the payment, fulfilment or discharge thereof shall have actually arrived or not and for the dues, fees, fines, penalties and engagements of any member of his family and person entitled to the privileges of the club by virtue of his being a shareholder, and no equitable interest in any share shall be created except upon the condition that section 9 is to have full effect. Unless otherwise agreed, the registration of a transfer of shares shall operate as a waiver of the club's lien upon said shares.

Powers of
board of
governors.

11. The board of governors of the club may administer the affairs of the club in all things and make or cause to be made for the club any description of contract which the club may by law enter into, and shall have power to make by-laws, rules and regulations not contrary to law or the provisions of this Act, with power to amend, repeal and re-enact the same for all purposes to or bearing on the affairs, business and property of the club, its management, government, aims, objects and interests; to regulate the allotment of stock and making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the term of service of governors, the appointment, functions, duties and removal of all agents, officers and servants of the club, the security to be given by them to the club, their remuneration, the time at which and place where the annual meetings of the club shall be held, the calling of meetings, the fixing of quorums at all meetings of shareholders and the board of governors, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, the admission of associate and honorary members to the privileges of the club, the fixing of the amount of admission and annual fees and the collecting thereof, with power to assess all shares (including fully paid shares) and the registered holders thereof for such dues and assessments as they may deem advisable, the suspension and expulsion of members, both shareholder and associate, and the conduct in all other particulars of the affairs of the club; but every such by-law, and every repeal, amendment and re-enactment thereof, unless in the meantime confirmed at a general meeting of the club duly called for that purpose, shall only have force until the next annual meeting of the club; and in default

of confirmation thereof shall and from that time only cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the club.

12. The holder of a share or shares shall not be entitled to any of the privileges of the clubhouse or grounds, or be capable of being elected one of the board of governors, or to attend or vote at any meeting of the shareholders unless or until such person has been duly elected and then is a member of the club pursuant to the by-laws, rules and regulations. Shareholder not necessarily member.

13. No remuneration shall be paid to any governor as such or by virtue of any office occupied by him, except as authorized by the by-laws of the club. No remuneration to governors except by by-law.

14. No shareholder or member of the board of governors shall be personally liable for the debts, torts, contracts or liabilities of the club beyond the amount remaining unpaid upon his stock. Fully paid-up shareholders not liable for debts.

15.—(1) If authorized by by-law duly passed by the board of governors and sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law, the governors may, from time to time,— Borrowing money.

- (a) borrow money upon the credit of the club;
- (b) limit or increase the amount to be borrowed;
- (c) issue bonds, debentures, debenture stock or other securities of the club, and pledge or sell the same for such sums and at such prices as may be deemed expedient; and
- (d) hypothecate, mortgage or pledge the real or personal property of the club, or both, to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed for the purposes of the club.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the club on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the club. Saving.

16. In all matters not provided for by this Act and where not inconsistent with any matter herein contained, the provisions and implied powers of *The Companies Act* for the time being in force shall apply to the club as if the same were Rev. Stat., c. 251 to apply.

incorporated in this Act, substituting the word "club" for "company" and "governor", "governors" or "board of governors" for the word "director", "directors" or "board of directors".

Commence-
ment of Act.

17. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

18. This Act may be cited as *The Kingsboro Club Act, 1946*.

CHAPTER 123.

An Act respecting the City of Kitchener.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Kitchener ^{Preamble.} has by its petition represented that its gas system, street railways and motor buses are now in the care and control of The Public Utilities Commission of the City of Kitchener and that it is desirable to enlarge the powers of the said Commission to enable it to construct, control, maintain, operate and manage trolley buses; and whereas the Corporation has prayed for special legislation in respect of such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the City of Kitchener, the council being herein called "the Council" and the Corporation being herein called "the Corporation", may by by-law entrust to The Public Utilities Commission of the City of Kitchener established under *The Public Utilities Act*, herein called "the Commission", the construction, control, maintenance, operation and management of its gas system, street railways and motor buses and the Commission shall thereupon have the powers, rights, authorities and privileges hereinafter set forth. ^{Operation, etc., of gas system, street railways and motor buses. Rev. Stat., c. 286.}

2. The Commission shall have power to construct, control, maintain, operate and manage gas systems, street railways, motor buses and trolley buses or any of them within the limits of the Corporation and may construct, control, maintain, operate and manage any extension thereof in any other municipality within the County of Waterloo with the consent of the corporation of any such municipality, provided that no such consent shall be required for the purpose only of passing through a municipality for the purpose of operating any extension of transportation facilities to and in any municipality so consenting. ^{Powers of Commission.}

3. The Commission shall, in particular, but not so as to ^{Idem.} restrict its general powers and duties have the following powers and duties:

- (i) To fix transportation tolls and fares so that the revenue of the Commission therefrom shall be sufficient to make all transportation facilities under its control and management self-sustaining after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper;
- (ii) To fix rents, rates and prices to be charged and paid for the supply of gas so that the revenue of the Commission therefrom shall be sufficient to make all the gas facilities under its control and management self-sustaining after providing for such maintenance renewals, depreciation and debt charges as it shall think proper;
- (iii) To make requisitions upon the Council for all sums of money necessary to carry out its powers and duties but nothing herein contained shall divest the Council of its authority with reference to providing the money required for such works, and when such money is provided by the Council the treasurer of the Corporation shall upon the certificate of the Commission pay out any money so provided; and
- (iv) Subject to the provisions of *The Highway Traffic Act* and *The Public Vehicle Act* and to any amendments or regulations made to or under the said Acts, to operate public vehicles hired by a party of persons for the purpose of conveying such persons on a special trip or special return trip from the City of Kitchener or from any municipality in which the Commission operates transportation facilities.

Rev. Stat.,¹
cc. 288, 289.

Where by-law under
section 1
passed.

4. Upon such by-law being passed by the Council,—

- (a) all the powers, rights, authorities and privileges of the Corporation as to the construction, maintenance, operation, control and management of gas systems, street railways, motor buses and trolley buses or any of them by any general or special Act conferred upon the said Corporation shall be exercised by the Commission and not by the Council of the Corporation and all claims, actions and demands arising from or relating to the construction, repair, operation, management or control of the said gas systems, street railways, motor buses and trolley buses or any of them or arising from the exercise of any powers of the Commission under this Act, shall be made upon and brought against the Commission and not upon or against the Corporation and the Commission may sue and be sued in its own name; and

- (b) it shall be the duty of the Commission to consider generally all matters relating to the supply of gas and relating to local transportation in the City of Kitchener and to construct and provide such plant, equipment and other facilities relating thereto as it may deem necessary.

5. The accounts of the Commission shall be audited at the expense of the Commission by the auditors of the Corporation, and the Commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. Audit of accounts.

6. On or before the 1st day of April in each year the Commission shall submit to the Council and publish a complete audited and certified financial report including a balance sheet of assets and liabilities and a statement of revenue and expenditures for the preceding calendar year. Annual statement.

7.—(1) The Council may pass by-laws from time to time for the issue of debentures for such sums as may be deemed necessary by the Council to provide the Commission with moneys with which to carry out the purpose of this Act. Debentures.

(2) The amount of any debentures issued under this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers. Idem.

8. It shall not be necessary to secure the assent of the electors to any by-law passed by the Council under this Act. Assent of electors not required.

9. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

10. This Act may be cited as *The City of Kitchener Act*, 1946. Short title.

CHAPTER 124.

An Act respecting the Town of Leamington.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Town of Leamington Preamble. has by its petition represented that by an agreement between The Corporation of the Town of Leamington, The Corporation of the Township of Mersea, Branch 84 of the Canadian Legion of the British Empire Service League and the Trustees for said Branch 84 of the Canadian Legion, it was provided that the Legion should on lands owned by it adjoining Memorial Park in the Town of Leamington, proceed with the erection of a building to be a Memorial in commemoration of persons who served on active service in the armed forces of His Majesty; that to erect a building of suitable size and in the most desirable location, it is desirable that part of the Memorial Park be conveyed to the Legion and for that purpose a supplemental agreement between the said parties was made; and whereas the Corporation has by its petition prayed for special legislation to validate the agreements and to authorize a conveyance to be made by the Corporation in implementation of the second mentioned agreement; and whereas the Corporation of the Town of Leamington has also by its petition represented that by an Order in Council bearing date the 19th day of September, 1889, the Village of Leamington was erected into a town and the boundaries of the Town were therein described, but there was an error in the description in the omission of one bearing and that the description is otherwise unsatisfactory and indefinite and further that certain lands subsequently annexed to the Town are not accurately or sufficiently described in an order of the Ontario Municipal Board annexing the same, and that other lands have subsequently been annexed to the Town and it is desirable that the boundaries of the Town be fixed and defined and the Corporation has by its petition prayed for special Legislation therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Memorial
building
agreements
validated.

1. The agreement dated the 31st day of July, 1944, made between The Corporation of the Town of Leamington, The Corporation of the Township of Mersea, Branch 84 of the Canadian Legion of the British Empire Service League and the Trustees for the said Legion, set out as schedule A hereto, and the agreement dated the 31st day of October, 1945, made between the said parties, set out as schedule B hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington, and the Corporation of the Township of Mersea, and their ratepayers, and the other parties thereto, and the Corporation of the Town of Leamington is hereby empowered and authorized to carry out its obligations thereunder, including the execution and delivery of a conveyance of lands now included in a public park known as Memorial Park, as provided in the agreement set out as schedule B hereto.

Town
boundaries
defined.

2. The Town of Leamington shall comprise and include the lands described or intended to be described in an Order in Council dated the 21st day of September, 1889, by which the Village of Leamington was erected into a Town; the lands annexed to the Corporation of the Town of Leamington by an order of the Ontario Municipal Board dated the 19th day of December, 1933, and the lands annexed to the Corporation of the Town of Leamington by Order of the Ontario Municipal Board dated the 29th day of January, 1946; and in order to remove doubts it is hereby declared that the boundaries of the Town of Leamington shall be as follows:

Commencing at a point in the Water's edge of Lake Erie in the south part of Lot No. 7, Broken Front Concession, formerly in the Township of Mersea, distant six hundred and sixty feet (660') measured easterly at right angles from the southerly production of the easterly limit of Erie Street (sideroad between Farm Lots 6 and 7); thence northerly, parallel with the said easterly limit of Erie Street and distant six hundred and sixty feet (660') measured easterly at right angles therefrom, six thousand and ninety-nine feet (6,099') more or less to a point distant six hundred and ninety-three feet (693') measured southerly from the southerly limit of Oak Street (Second Concession Road) on a line parallel with and distant six hundred and sixty feet (660') measured easterly at right angles from the said easterly limit of Erie Street; thence easterly, parallel with the said southerly limit of Oak Street, one hundred and eighty-five feet (185') more or less to the southwesterly limit of the right-of-way of the Leamington and St. Clair Branch of the Michigan Central Railway Company; thence northwesterly, following the last mentioned limit, two hundred and eighty feet (280') more or less to a point distant six hundred and

sixty feet (660') measured easterly at right angles from the said easterly limit of Erie Street; thence northerly, parallel with the last mentioned limit, five hundred and fifty-six feet (556') more or less to the northerly limit of Oak Street; thence easterly, following the last mentioned limit, fourteen hundred and ninety-nine feet (1,499') more or less to the westerly limit of Farm Lot No. 242, south of the Talbot Road in the Township of Mersea; thence northerly, following the last mentioned limit, thirty-one hundred and thirty-six feet (3,136') more or less to the southerly limit of the said Talbot Road; thence southwesterly, along the last mentioned limit, five hundred and forty-seven feet (547') to a point distant seventeen hundred and sixty-three feet six inches (1,763' 6") measured easterly in that limit from the said easterly limit of Erie Street; thence northerly, parallel with the last mentioned limit and parallel with the dividing line between Farm Lots 243 and 244, N.T.R., sixteen hundred and forty feet (1,640') more or less to the easterly production of the southerly limit of Wilkinson Drive (Third Concession Road); thence westerly, following the said easterly production of the southerly limit of Wilkinson Drive, eleven hundred and eighty-eight feet (1,188'); thence northerly parallel with the aforesaid dividing line between Farm Lots 243 and 244 and parallel with the sideroad known as Leamington Sideroad, thirteen hundred and eighty-six feet (1,386'); thence westerly, parallel with the said easterly production of the southerly limit of Wilkinson Drive, and continuing westerly parallel with the said southerly limit of Wilkinson Drive, fourteen hundred and twenty-two feet (1,422'); thence southerly, parallel with the limit between Farm Lots 5 and 6 in the Third Concession, six hundred and forty-one feet six inches (641' 6"); thence westerly, parallel with the northerly limit of Wilkinson Drive, fifteen hundred and thirty-one feet (1,531'); thence southerly, parallel with the Leamington and St. Clair Branch of the Michigan Central Railway right-of-way and the limit between Farm Lots 5 and 6, twenty-seven hundred and eighty-six feet (2,786') more or less to a point distant ten hundred and eighty-five feet (1,085') measured northerly in the last described course from the northerly limit of Talbot Street; thence westerly, parallel with the last mentioned limit, twenty feet (20') more or less, to a stake; thence southerly, parallel with the said limit between Farm Lots 5 and 6, five hundred and ninety feet (590') to a stake; thence westerly, parallel with the said northerly limit of Talbot Street, sixteen hundred and sixty-two feet (1,662') more or less to the limit between Farm Lots 4 and 5 in the Second Concession; thence southerly, following the last mentioned limit, five hundred and

sixty-five feet eight inches (565' 8") to the southerly limit of Talbot Street; thence south seventy-one degrees fifty minutes west (S. 71° 50' W.) following the said southerly limit of Talbot Street, two hundred and sixty-three feet ten inches (263' 10"); thence south nine degrees fifty-seven minutes east (S. 9° 57' E.) a distance of one hundred and twenty feet (120') to a point in the northerly limit of Lot 19 according to said Registered Plan No. 1453; thence south seventy-one degrees fifty minutes west (S. 71° 50' W.) along the said northerly limit of Lot 19 a distance of one hundred feet (100') to the westerly limit of said Registered Plan No. 1453; thence south No degrees thirteen minutes east (S. 0° 13' E.) following the last mentioned limit, two hundred and ninety-two feet ten inches (292' 10") to an angle in the westerly limit of said Registered Plan; thence south nine degrees fifty-seven minutes east (S. 9° 57' E.) continuing along the westerly limit of said Registered Plan, two hundred and fifty-one feet (251') more or less to the northerly limit of Oak Street; thence easterly, following the last mentioned limit, twenty-nine hundred and ninety-one feet (2,991') more or less to the northerly production of the westerly limit of Registered Plan No. 751; thence southerly, to and along the last mentioned limit, thirteen hundred and thirty-five feet (1,335') more or less to the southerly limit of Reserve "A" shown on said Registered Plan; thence easterly, following the last mentioned limit, one hundred and fifty-eight feet six inches (158' 6") to the southerly production of the westerly limit of Chestnut Street, as shown on said Registered Plan No. 751; thence northerly, to and along the westerly limit of Chestnut Street, eight hundred and seventy-five feet (875') more or less to the northerly limit of said Registered Plan No. 751; thence easterly, following the last mentioned limit, sixty-six feet (66') to the easterly limit of Chestnut Street as shown on said Registered Plan No. 751; thence southerly, following the last mentioned limit, one hundred and two feet (102') to the northerly limit of Arthur Avenue as shown on said Registered Plan No. 751; thence easterly, following the last mentioned limit, three hundred and fifty-eight feet six inches (358' 6") more or less to the westerly limit of Registered Plan No. 651, distant six hundred and sixty feet (660') measured westerly at right angles from the westerly limit of Erie Street; thence southerly parallel with the last mentioned limit, forty-one hundred and six feet (4,106') more or less to the southerly limit of the First Concession Road (now King's Highway No. 18); thence north eighty-seven degrees thirty-one minutes west (N. 87° 31' W.) following the said southerly limit of the First Concession Road, four hundred and three feet (403') more or less

to a stone monument; thence south three degrees three minutes west (S. $3^{\circ} 3' W.$) four hundred and eighty feet (480') to a stone monument; thence north eighty-six degrees eighty-seven minutes west (N. $86^{\circ} 87' W.$) one hundred and forty-nine feet (149') to a stone monument; thence south three degrees three minutes west (S. $3^{\circ} 3' W.$) seven hundred and ninety feet (790') more or less to the water's edge of Lake Erie; thence southeasterly, and following the water's edge of Lake Erie, twenty-one hundred and five feet (2,105') more or less to the place of beginning.

3. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

4. This Act may be cited as *The Town of Leamington Act*, ^{Short Title.} 1946.

SCHEDULE A

THIS INDENTURE made (in triplicate) the thirty-first day of July, 1944.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF MERSEA,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH
EMPIRE SERVICE LEAGUE, hereinafter called the "Le-
gion",

OF THE THIRD PART,

—and—

ANDREW CROZIER, of the Town of Leamington, in the
County of Essex, Foreman, JOHN LEONARD ESSON, of
the same place, Tinsmith, CHARLES A. POORE, of the
same place, Post Master, ROBERT W. PENFOLD, of the
same place, Inspector, and CHARLES ARNOLD HENDER-
SON, of the same place, Janitor, Trustees for Branch 84
of The Canadian Legion of the British Empire Service
League, hereinafter called the "Trustees",

OF THE FOURTH PART.

WHEREAS the Parties of the Fourth Part as Trustees for Leamington Branch Number 84 of the Canadian Legion of the British Empire Service League, now own the west one-half of Lot Number Six (6) on the north side of Mill Street in the Town of Leamington, in the County of Essex, according to registered Plan Number 170, on the north Thirty-two feet (32') of which parcel is erected a small frame club house building, the residue of the lands available at this time for building purposes comprising a parcel Forty-one feet and Three inches (41' 3") more or less in width from east to west and One Hundred feet (100') in length from north to south.

AND WHEREAS the Town did provide in its estimates for the current year the sum of \$20,000.00 for granting aid for the erection and maintenance of a building to be a memorial in commemoration of the persons who served on active service in the Armed Forces of His Majesty during the first Great War and the present War to be established and equipped as a memorial hall, club house and community hall.

AND WHEREAS the Township (of the Second Part) did provide in its estimates for the current year the sum of \$10,000.00 for a similar purpose.

AND WHEREAS it is deemed advisable that the said Town and Township should enter into an Agreement between themselves and with the Legion (of the Third Part) and the Trustees (of the Fourth Part, for carrying out the purposes of the said grants.

AND WHEREAS the lands above mentioned as available for such purpose are a suitable site for such memorial hall, club house and community hall.

AND WHEREAS the Legion (of the Third Part) embraces in its membership persons who have seen active service with the armed forces of His Majesty, and is a suitable body to undertake the erection, ownership, management and maintenance hereafter of the said building.

NOW THIS AGREEMENT WITNESSETH that, in consideration of the premises, the parties hereto mutually covenant and agree as follows:

1. The Legion will forthwith proceed to obtain plans and specifications for a building approximately Forty-one feet (41') by One Hundred feet (100') in size, to have an auditorium on the main floor with seating capacity of not less than 500 persons and suitable club rooms and other facilities to cost in excess of \$30,000.00 (and of an estimated cost of \$50,000.00) such plans to be made by a qualified architect practising in Ontario.

2. When the said plans and specifications have been completed and approved by the Legion at a meeting regularly called for such purpose, a copy of the same shall be filed with the Clerk of the said Town and a copy with the Clerk of the said Township.

3. The sum of \$20,000.00 provided by the said Town and the sum of \$10,000.00 provided by the said Township will be advanced to aid in the erection of such building, to be a memorial in commemoration of the persons who served on active service in the Armed Forces of His Majesty during the first Great War and the present War, to be established and equipped as a memorial hall, club house and community hall, the said moneys being advanced to the Legion, of the Third Part (and the Trustees, of the Fourth Part, in trust for the Legion, of the Third Part) for the purposes aforesaid.

4. The Legion shall thereupon or in any event within one year after the cessation of hostilities in the present War make all necessary applications for building permits or other permits that may be required and in compliance with all statutory and other requirements will proceed with the erection of a building for the purposes aforesaid, according to the plans and specifications so filed; and will carry the same to completion as expeditiously as practicable, and after completion will thereafter maintain the same as a memorial hall, club house and community hall without further liability on the part of the Town or Township.

5. The Legion shall furnish and equip the said building in a proper manner and without restricting the generality of the foregoing, this shall include installing seats in the auditorium to seat at least 500 people, which shall be removable, and shall equip a kitchen and dining room and club rooms.

6. Nothing herein contained will be construed to prevent the Legion from raising additional funds by private or other subscriptions, or providing additional funds otherwise for the said purposes; and if any Provincial or Dominion grant be made towards the cost of such building, the same shall be in addition to the sums provided by the Town and Township as above set forth.

7. The auditorium in the said building shall be made available for rental by service clubs, lodges, charitable, educational, religious, social and other worthy local organizations, in the said Town and Township at least four days in each week, the Legion providing janitor's service, heat, light and keeping premises in fit and safe repair, rental to be charged to be in accordance with a schedule of rates to be submitted to and approved by the Legion at a special meeting duly called for such purpose, and such schedule to be filed in the office of the Clerk of the Town and Township; any amendment to the said schedule shall be made at a meeting similarly called and such schedule shall be filed as above.

8. The Legion shall maintain the building and furnishings in a proper state of repair at all times and shall employ a janitor to keep the building clean and sanitary.

9. Provided that if the Legion, of the Third Part, by its Trustees (or otherwise, in accordance with its constitution) shall acquire other lands adjacent to the lands above described, the location of the said hall may be altered, provided that it fronts for its greatest length on Memorial Park with access from the Park to the Hall and the said building may be

of greater size than the proposed size of Forty-one feet by One Hundred feet set forth in paragraph 1 hereof (to provide a larger auditorium), if available funds warrant such increase in size.

10. This Agreement is subject to the approval of the Department of Municipal Affairs of the Province of Ontario at Toronto, and if any amendment in the terms is required by the Department, the same shall be submitted by the Town and the Township to the Parties of the Third Part and Fourth Part for amendment accordingly.

11. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals and hands and seals respectively.

SEALED AND DELIVERED AND COUNTERSIGNED by the Mayor and Clerk of THE CORPORATION OF THE TOWN OF LEAMINGTON.

THE CORPORATION OF THE TOWN OF LEAMINGTON.

PHILIP FADER,
Mayor.

(Seal)

W. E. SELKIRK,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the Reeve and Clerk of THE CORPORATION OF THE TOWNSHIP OF MERSEA.

THE CORPORATION OF THE TOWNSHIP OF MERSEA.

JAMES ARMSTRONG,
Reeve.

(Seal)

REX E. IMESON,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the President and Secretary of BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE.

BRANCH 84 OF THE CANADIAN LEGION OF THE
BRITISH EMPIRE SERVICE LEAGUE.

GEO. P. CLARKE,
President.

(Seal)

FRANK E. TAYLOR,
Secretary.

SIGNED, SEALED AND DELIVERED	}	ANDREW CROZIER.	(Seal)
in the presence of		JOHN L. ESSON.	(Seal)
J. R. MORRIS.		C. A. POORE.	(Seal)
		C. A. HENDERSON.	(Seal)
		R. W. PENFOLD.	(Seal)

APPROVED
DEPT. OF MUNICIPAL AFFAIRS
J. P. COOMBE
Supervisor
Sept. 11, 1944.

SCHEDULE B

THIS INDENTURE made in triplicate the 31st day of October, 1945.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF MERSEA,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH
EMPIRE SERVICE LEAGUE, hereinafter called the "Legion",

OF THE THIRD PART,

—and—

ANDREW CROZIER, of the Town of Leamington, in the County of Essex, Foreman, JOHN LEONARD ESSON, of the same place, Tinsmith, CHARLES A. POORE, of the same place, Post Master, ROBERT W. PENFOLD, of the same place, Inspector, and CHARLES ARNOLD HENDERSON, of the same place, Janitor, Trustees for Branch 84 of The Canadian Legion of the British Empire Service League, hereinafter called the "Trustees",

OF THE FOURTH PART.

WHEREAS the Parties of the Fourth Part, as Trustees for Leamington Branch Number 84 of The Canadian Legion of the British Empire Service League, now own the west one-half of Lot Number Six (6) on the north side of Mill Street in the Town of Leamington, in the County of Essex, according to Registered Plan Number 170, being a parcel with frontage 41 feet 3 inches more or less on Mill Street and extending north a distance of 132 feet, and also Lot Number Three (3) on the south side of Orange Street according to said Registered Plan Number 170, being a parcel with frontage 82 feet 6 inches more or less on Orange Street and extending south a distance of 132 feet, to Lot Number 6 north of Mill Street above mentioned, and the westerly limit of the said Two parcels being a straight line 264 feet in all and fronting on Memorial Park, a public park owned by the Corporation of the Town of Leamington.

AND WHEREAS a small frame club house building, formerly erected on the north 32 feet of Lot Number 6 north of Mill Street, above mentioned, has been moved to the east half of Lot Number 3, south of Orange Street, and which leaves the west halves of said Lots Numbers 3 and 6 free of any building or other obstruction.

AND WHEREAS by an Agreement dated the 31st day of July, 1944, and made between the parties hereto, and which Agreement was duly authorized by By-laws of the Corporation of the Town of Leamington and the Corporation of the Township of Mersea, and was approved by the Department of Municipal Affairs, it was provided, *inter alia*, that the Legion would proceed to obtain plans and specifications for a building approximately 41 feet by 100 feet in size to have an auditorium on the main floor with a seating capacity of not less than 500 persons and suitable club rooms and other facilities, to cost in excess of \$30,000.00, and of an estimated cost of \$50,000.00, such plans to be made by a qualified architect practising in Ontario; that the sum of \$20,000.00 provided by the said Town and the sum of \$10,000.00 provided by the said Township, should be advanced to aid in the erection of such building, to be a memorial in commemoration of the persons who served on active service in the Armed

Forces of His Majesty during the two Great Wars, to be established and equipped as a Memorial Hall, club house and community hall, said moneys being advanced to the said Legion and the Trustees for the said Legion for the purposes aforesaid, and that the Legion should within one year after the cessation of hostilities, make all necessary applications for building permits or other permits that may be required and proceed with the erection of the building for the purposes aforesaid according to the said plans and specifications.

AND WHEREAS it appears that the said Hall may have to be of a greater width from east to west than 41 feet to provide the accommodation that is desired, and it is desirable that the said building should be erected in a central location facing on Memorial Park and it is desirable that additional lands be acquired for such purpose.

AND WHEREAS the lands now comprised in Memorial Park were formerly owned by Trustees for the Leamington Branch of the Great War Veterans Association of Canada, and for its Ladies' Auxiliary, the said Association being an organization of men who served on active service in the First Great War, and which Association having been succeeded by the Canadian Legion of the British Empire Service League as the active organization for Veterans of the said Great War and the said Association having ceased to exist as an active organization, the said lands were in the year 1929 conveyed by the Trustees for said Association and its Ladies Auxiliary and by Branch 84 of the Canadian Legion of the British Empire Service League and its Trustees, to the Corporation of the Town of Leamington, for a park to be a memorial to men and women who had seen active service in the first Great War.

AND WHEREAS the additional lands required by the Legion for the erection of the aforesaid Memorial Hall, club house and community hall, comprise the east 20 feet of the middle 164 feet of the said Memorial Park, as hereinafter more particularly described.

AND WHEREAS certain of the lands now owned by the Legion and the Trustees for the said Legion are not now required for purposes of the said Legion or for building purposes and will make a satisfactory and desirable addition to the said Memorial Park and it has been deemed advisable to arrange for an exchange of lands.

AND WHEREAS it was provided in the aforesaid Agreement dated July 31st, 1944, that if the Legion by its Trustees or otherwise should acquire other lands adjacent to the west half of Lot 6, north of Mill Street, according to Registered Plan 170, that the location of the said hall might be altered, provided that it should front on its greater length on Memorial Park and that it might be a greater size than the size of 41 feet by 100 feet therein set forth.

AND WHEREAS hostilities in the recent war have now ceased, and it is desirable that the matters in the aforesaid Agreement provided should be proceeded with as expeditiously as possible.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto mutually covenant and agree as follows:

1. The Trustees of the Fourth Part and the Legion of the Third Part will convey to the Town of the First Part for park purposes, and as an addition to its Memorial Park, lands described as follows: (Firstly) The West Thirty-five feet (35') of the North Fifty feet (50') of Lot Number Three (3) on the south side of Orange Street according to Registered Plan Number 170; and (Secondly) the south Fifty feet (50') of the west one-half of Lot Number Six (6) on the north side of Mill Street, according to said Registered Plan Number 170, subject however to and reserving unto the said Trustees of the Fourth Part and the said Legion of the Third Part, and their respective successors and assigns, an easement over the east Sixteen feet (16') and Three inches (3") of the said parcel secondly described, for the purpose of laying down and constructing sewers and drains and pipes for water and gas and conduits for wires of all kinds, in, under

and upon the said lands, and of keeping and maintaining the same at all times in good condition and repair and for such purpose the right of access to the said lands at all times by the said Trustees of the Fourth Part and the Legion of the Third Part, and their respective successors, assigns, servants, employees and workmen, and also a right of way for persons, animals and vehicles over, along and upon the said east Sixteen feet (16') and Three inches (3") of the parcel secondly above described.

2. The Town of the First Part shall convey to the Trustees of the Fourth Part, and their successors, as Trustees for the Legion of the Third Part, a strip of land Twenty feet (20') in width from east to west, and One Hundred and sixty-four feet (164') in length from north to south, which may be otherwise described as the east Twenty feet (20') of the north Eighty-two feet (82') of Lot Number Five (5) on the north side of Mill Street, according to Registered Plan Number 170, and the east Twenty feet (20') of the south Eighty-two feet (82') of Lot Number Two (2) on the south side of Orange Street, according to said Registered Plan Number 170, and shall do all things necessary or proper to make the said conveyance valid and effective, including and Without restricting the generality of the foregoing, an application to the Department of Municipal Affairs for its approval; and shall apply for validating Legislation authorizing such conveyance.

3. The said conveyance by the Trustees and the Legion to the Town shall be delivered contemporaneously with the delivery of such conveyance by the Town to the Trustees, on or before the 31st day of March, 1946, if validating legislation has been obtained at that time and otherwise as soon as such Legislation has been obtained.

4. The lands so conveyed or to be conveyed by the Trustees and the Legion to the Town shall be so conveyed as an addition to Memorial Park and shall be thereafter maintained by the Town as part of the said public park.

5. The Township of the Second Part does hereby approve of this Agreement.

6. The Agreement dated the 31st day of July, 1944, shall be amended to the extent necessary to fully effectuate these presents and otherwise shall remain in full force and effect.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate seals and hands and seals respectively.

SEALED AND DELIVERED AND COUNTERSIGNED by the Mayor and Clerk of THE CORPORATION OF THE TOWN OF LEAMINGTON.

THE CORPORATION OF THE TOWN OF LEAMINGTON.

PHILIP FADER,
Mayor.

(Corporate Seal)

W. E. SELKIRK,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the Reeve and Clerk of THE CORPORATION OF THE TOWNSHIP OF MERSEA.

THE CORPORATION OF THE TOWNSHIP OF MERSEA.

JAMES ARMSTRONG,
Reeve.

(Corporate Seal)

REX E. IMESON,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the President and Secretary of BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE.

BRANCH 84 OF THE CANADIAN LEGION OF THE
BRITISH EMPIRE SERVICE LEAGUE.

J. R. MORRIS,
President.

(Corporate Seal)

F. E. TAYLOR,
Secretary.

SIGNED, SEALED AND DELIVERED in the presence of J. R. MORRIS	}	C. A. POORE.	(Seal)
		R. W. PENFOLD.	(Seal)
		CHARLES A. HENDERSON.	(Seal)
		J. L. ESSON.	(Seal)
		A. CROZIER.	(Seal)

APPROVED
DEPT. OF MUNICIPAL AFFAIRS
J. P. COOMBE
Dec. 28, 1945

CHAPTER 125.

An Act respecting the City of London (No. 1).

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of London has Preamble.
by its petition prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between the Corporation of the City of London and His Majesty, the King, in right of Canada and Wartime Housing Limited, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the rate-payers thereof, and the said Corporation is hereby authorized and empowered to carry out its obligations and to enjoy its rights and powers and privileges under the terms of the said agreement, provided that nothing in this section or in the said agreement shall limit or affect any rights of the said Corporation with respect to personal charges for health services. Housing agreement validated.

2. Notwithstanding the provisions of section 70 of *The Ontario Municipal Board Act* the Corporation of the City of London is hereby authorized and empowered to undertake and provide for needed accommodation at the nurses' residence at Victoria Hospital, London, and to expend therefor the sum of \$141,500 to be raised by including the sum of \$25,000 in the yearly rate for taxes in the year 1945, and the sum of \$38,833.33 in each of the years 1946, 1947 and 1948, and such undertaking and expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof. Nurses' residence, Victoria Hospital. Rev. Stat., c. 60.

3.—(1) Section 2 of the Act intituled *An Act to incorporate the Western Fair Association*, being chapter 89 of the Statutes of Ontario, 1887, is amended by striking out the words "exceeding in the whole, at any one time the annual value of \$10,000, nor" in the second and third last lines. 1887, c. 89, s. 2, amended.

(2) Section 4 of the said Act is repealed and the following substituted therefor: 1887, c. 89, s. 4, re-enacted.

Members.

- 4.—(1) The membership of the Western Fair Association shall be constituted and divided as follows:

- (a) honorary members; and
- (b) representative members.

Honorary members.

- (2) The honorary membership shall consist of such individuals or representatives of bodies or organizations as may from time to time be decided upon by a majority vote of the directors of the association.

Representative members.

- (3) The representative membership shall consist of three sections as follows:

- (a) the city council section;
- (b) the civic section; and
- (c) the agricultural section.

City council section.

- (4) The city council section shall consist of the mayor of the City of London and eight members of the City council of the City of London, all of whom shall be directors of the association.

Civic section.

- (5) The civic section shall consist of members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- 2 members from The Board of Education,
- 2 members from The London Builders' Exchange,
- 2 members from The Canadian Legion,
- 6 members from The Canadian Manufacturers' Association,
- 6 members from The London Chamber of Commerce,
- 2 members from The Rotary Club of London,
- 2 members from The Kiwanis Club of London,
- 2 members from The Advertising and Sales Club of London,
- 2 members from The Canadian Club of London,
- 2 members from The Women's Canadian Club of London,
- 2 members from The London Home and School Club,
- 2 members from The Local Council of Women of London,
- 1 member from The London Hunt and Country Club,
- 1 member from The London and Middlesex Historical Society,
- 2 members from The London Labour Council,

- 2 members from The Public Library Board of London,
- 1 member from The London Real Estate Board,
- 2 members from The London Trades and Labour Council,
- 2 members from The London Teachers' Council,
- 2 members from The Ontario Commercial Travellers Association,
- 2 members from The Ontario Wholesale Farm Equipment Association,
- 2 members from The Public Utilities Commission of London,
- 2 members from The Retail Merchants' Association of London,
- 2 members from The Roman Catholic Separate School Board of London,
- 2 members from The United Commercial Travellers Association of London,
- 2 members from The University of Western Ontario,
- 2 members from The Western Ontario Art League,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the civic section or the city council section. The composition of the civic section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of all of the directors of the association.

- (6) The agricultural section shall consist of the following ^{Agricultural section.} members or members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- The President of The Ontario Agricultural College,
- The Principal of The Ridgetown Agricultural School,
- The Warden of the County of Middlesex,
- 1 member from The Canadian Thoroughbred Horse Society,
- 1 member from The Canadian Hackney Horse Society,
- 1 member from The Canadian Standard Bred Horse Society,
- 1 member from The Canadian Pony Society,
- 1 member from The Canadian Hunter Society,

- 1 member from The Clydesdale Horse Association of Canada,
- 1 member from The Ontario Clydesdale Club,
- 1 member from The Canadian Belgian Horse Association,
- 1 member from The Canadian Percheron Horse Association,
- 1 member from The Ontario Percheron Club,
- 1 member from The Ontario Horse Breeders' Association,
- 1 member from The Canadian Shorthorn Association,
- 1 member from The Ontario Shorthorn Club,
- 1 member from The Canadian Hereford Breeders' Association,
- 1 member from The Ontario Hereford Breeders' Association,
- 1 member from Canadian Aberdeen-Angus Association,
- 1 member from Ontario Aberdeen-Angus Association,
- 1 member from Ontario Cattle Breeders' Association,
- 1 member from The Ontario Beef Producers' Association,
- 2 members from The Holstein-Friesian Association of Canada,
- 2 members from The Canadian Ayrshire Breeders' Association,
- 1 member from The Canadian Jersey Cattle Club,
- 1 member from The Western Ontario Jersey Club,
- 1 member from The Canadian Guernsey Breeders' Association,
- 1 member from The Ontario Guernsey Breeders' Association,
- 1 member from The Canadian Sheep Breeders' Association,
- 2 members from The Ontario Sheep Breeders' Association,
- 1 member from The Canadian Swine Breeders' Association,
- 1 member from The Ontario Swine Breeders' Association,
- 1 member from The Ontario Yorkshire Club,
- 1 member from The Ontario Poultry Association,
- 1 member from The London Poultry Association,
- 1 member from The Ontario Poultry Industries Association,
- 1 member from The Ontario Crop Improvement Association,
- 1 member from The Middlesex Branch of The Ontario Crop Improvement Association,
- 1 member from The Western Ontario Dairymen's Association,

- 1 member from The Ontario Creamery Association,
- 1 member from The Ontario Beekeepers' Association,
- 2 members from The Ontario Fruit Growers' Association,
- 2 members from The London Branch of The Ontario Vegetable Growers' Association,
- 1 member from The Allied Florists & Growers Association Incorporated,
- 2 members from The London Horticultural Society,
- 2 members from The London Branch of The Ontario Florists and Gardeners,
- 1 member from The Canadian Kennel Club,
- 2 members from The Ontario Association of Agricultural Societies,
- 2 members from the Middlesex County Council,
- 1 member from the Middlesex Federation of Agriculture,
- 1 member from Middlesex Junior Farmers,
- 1 member from Middlesex Junior Institute,
- 2 members from The Women's Institute, Western Ontario,
- 1 member from The Ontario Veterinary Association, and
- 1 member from The London Canine Association,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the agricultural section. The composition of the agricultural section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of the directors of the Association.

(3) Section 9 of the said Act is repealed and the following substituted therefor:

1887,
c. 89, s. 9,
re-enacted.

9. The affairs of the association shall be managed by a Directors.
board of twenty-seven directors consisting of the members of the city council section and eighteen elected directors, nine of whom shall be elected from and by the members of the civic section and nine from and by the members of the agricultural section of the membership, the warden of the County of Middlesex and the past presidents of the association shall *ex officio* be members of the board of directors. The election of directors shall take place annually

and shall be conducted in such manner as may from time to time be prescribed by the by-laws of the association.

1887,
c. 89, s. 17,
amended.

(4) Section 17 of the said Act is amended by striking out the words and figures "sections 486, 487, 488 and 489 of *The Consolidated Municipal Act, 1883*, which sections are hereby declared applicable" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "*The Municipal Act*, and all amendments thereto and as the same may be further amended from time to time".

1887,
c. 89, s. 18,
repealed.

(5) Section 18 of the said Act is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title

5. This Act may be cited as *The City of London Act (No. 1)*, 1946.

SCHEDULE A

THIS AGREEMENT made (in triplicate) this 24th day of August, A.D. 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the "City"),

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty"),

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under *The Dominion Companies Act*, pursuant to the provisions of *The Department of Munitions and Supply Act*, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the "Company"),

OF THE THIRD PART.

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereunto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitors for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the

sum of One Dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

- (a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three Thousand dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawings number 1-6, inclusive; numbers H. 12, H. 15, drawings number 1-7, inclusive; and H. 21, H. 23, drawings number 1-6, inclusive, and to be constructed in accordance with the specifications of the Company dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses"); and
- (b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water service and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations, as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependents acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses

and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

- (a) The sum of Twenty-four dollars in respect of each of the houses containing two bedrooms, and
- (b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms. Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality, to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and that His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the Thirtieth day of September, 1949, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the First day of October, 1949, and the Thirtieth day of September, 1954, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all

encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of October to the 31st day of December, 1954, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate Seal of the City, mailed, postage prepaid and registered, addressed to His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of December, 1954, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of January, 1955, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 1st day of October in each year commencing with the year 1955. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is damaged by fire or the elements or otherwise prior to the 1st day of January, 1955, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED: THE CORPORATION OF THE CITY OF LONDON

In the presence of:

(Sgd.) E. GROVER.

(Seal)
(Sgd.) W. J. HEAMAN,
Mayor,
(Sgd.) NORA TOLL,
Clerk.

HIS MAJESTY, THE KING, IN THE
RIGHT OF CANADA, herein represented by the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (Seal)
(Sgd.) JOSEPH M. PIGGOTT
(Sgd.) THOMAS GRAY. (Seal)

WARTIME HOUSING LIMITED
(Sgd.) JOSEPH M. PIGGOTT.
(Sgd.) THOMAS GRAY.

LIST OF LOTS FOR WARTIME HOUSING LTD.

SCHEDULE "A"

Parcel No. No. of Lots	Dimensions	Plan	Street	Description
1	52'10" x 106'6"	511	East	Part of Lot No. 1 on the East side of East Street (see attached description).
2	49'6" x 106'6"	511	Giles	Lot 80 and the Southerly half of Lot No. 79 on the West side of Giles Street.
3	" x "	"	"	Lot No. 78 and the Northerly half of Lot No. 79 on the West side of Giles Street.
4	" x "	"	"	Lot No. 123 and the Northerly half of Lot No. 122 on the East side of Giles Street.
5	" x "	"	"	Lot No. 121 and the Southerly half of Lot No. 122 on the East side of Giles Street.
6	45' x 147'4"	438	East	Lot No. 33 on the West side of East Street.
7	45' x 147'6"	438	"	Lot No. 30 and the Southerly half of Lot No. 31 on the West side of East Street.
8	44' x 106'5"	511	Giles	Lot No. 107 and the Northerly 11' of Lot No. 106 on the East side of Giles Street.
9	42' x 104'6"	517	"	Lot No. 149 and the Northerly 7' of Lot No. 150 on the East side of Giles Street.
10	" x "	"	"	The Southerly 28' of Lot No. 150 and the Northerly 14' of Lot No. 151 on the East side of Giles Street.
11	" x "	"	"	The Southerly 21' of Lot No. 151 and the Northerly 21' of Lot No. 152 on the East side of Giles Street.
12	" x "	"	"	The Southerly 14' of Lot No. 152 and the Northerly 28' of Lot No. 153 on the East side of Giles Street.
13	" x "	"	"	Lot No. 154 and the Southerly 7' of Lot No. 153 on the East side of Giles Street.
14	40' x 103' more or less	"	"	Lot No. 120 and the Northerly 5' of Lot No. 121 on the West side of Giles Street.
15	" x "	"	"	The Southerly 30' of Lot No. 121 and the Northerly 10' of Lot No. 122 on the West side of Giles Street.
16	" x "	"	"	The Southerly 25' of Lot No. 122 and the Northerly 15' of Lot No. 123 on the West side of Giles Street.
17	" x "	"	"	The Southerly 20' of Lot No. 123 and the Northerly 20' of Lot No. 124 on the West side of Giles Street.
18	" x "	"	"	The Southerly 15' of Lot No. 124 and the Northerly 25' of Lot No. 125 on the West side of Giles Street.
19	" x "	"	"	The Southerly 10' of Lot No. 125 and the Northerly 30' of Lot No. 126 on the West side of Giles Street.
20	" x "	"	"	The Southerly 5' of Lot No. 126 and Lot No. 127 on the West side of Giles Street.
21	39'8" x 106'6"	266	Giles	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).

Parcel No.	No. of Lots	Dimensions	Plan	Street	Description
22	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
23	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
24	1	39'10"x106'6"	266	"	Lot No. 126 West Giles Street (Plan 511) and part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
25	1	38'4"x141'8'1/2"	511	"	
26	1	more or less,	438	East	Lot No. 54 and the Northerly 11'4" of Lot No. 53 on the West side of East Street.
27	1	38'4"x144'10"	"	"	The Southerly 18'8" of Lot No. 53 and the Northerly 19'8" of Lot No. 52 on the West side of East Street.
28	1	38'4"x144'11"	"	"	The Southerly 10'4" of Lot No. 52 and the Northerly 28' of Lot No. 51 on the West side of East Street.
29	1	38'x145' more or less	"	"	The Southerly 24' of Lot No. 49 and the Northerly 14' of Lot No. 48 on the West side of East Street.
30	1	38'x145' more or less	438	East	The Southerly 16' of Lot No. 48 and the Northerly 22' of Lot No. 37 on the West side of East Street.
31	1	" x "	"	"	The Southerly 8' of Lot No. 47 and Lot No. 46 on the West side of East Street.
32	1	36'8"x106'6"	517	Giles	Lot No. 138 on the West side of Giles Street.
33	1	35'x106'6"	519	"	Lot No. 6 on the East side of Giles Street.
34	1	" x "	522	"	Lot No. 8 on the East side of Giles Street.
35	1	" x "	"	"	Lot No. 10 on the East side of Giles Street.
36	1	" x "	"	"	Lot No. 11 on the East side of Giles Street.
37	1	35'x105' more or less	517	"	Lot No. 128 on the West side of Giles Street.
38	1	" x "	"	"	Lot No. 132 on the West side of Giles Street.
39	1	" x "	"	"	Lot No. 134 on the West side of Giles Street.
40	1	" x "	"	"	Lot No. 137 on the West side of Giles Street.
41	1	35'x106'6"	519	"	Lot No. 10 on the West side of Giles Street.
42	1	" x "	"	"	Lot No. 11 on the West side of Giles Street.
43	1	" x "	"	"	Lot No. 12 on the West side of Giles Street.
44	1	35'x106'6"	517	East	Lot No. 25 on the East side of Giles Street.
45	1	" x "	"	"	Lot No. 26 on the East side of East Street.
46	1	" x "	"	"	Lot No. 28 on the East side of East Street.
47	1	" x "	526	"	Lot No. 29 on the East side of East Street.

48	1	35'x106'6"	526	East	Lot No. 3 on the East side of East Street.
49	1	" x "	"	"	Lot No. 8 on the East side of East Street.
50	1	33'x106'6"	511	Giles	Lot No. 85 on the West side of Giles Street.

DESCRIPTION OF PARCEL NO. 1 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 1 on the East side of East Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at the South-westerly angle of the said lot; thence Northerly along the East side of East Street 52'10"; thence Easterly parallel with the southerly limit of the said lot 53' more or less to the Northerly limit of the said lot; thence Easterly along the Northerly limit of the said lot 61'6" more or less to the North-easterly angle thereof; thence Southerly along the Easterly limit of the said lot 20'11" more or less to the South-easterly angle of the said lot and thence Westerly along the Southerly limit of the said lot 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 21 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at the South-westerly angle of Lot No. 12 on the East side of Giles Street in the City of London, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" to the South-easterly angle of the said Lot No. 12 and thence Westerly along the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 22 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 39'8" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the Easterly limit of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 39'8" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 23 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 79'4" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence

Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 79'4" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 24 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and part of Lot No. 126 on the East side of Giles Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street 119' Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'10" more or less to the South-westerly angle of Lot No. 126 aforesaid; thence Easterly along the Southerly limit of the said Lot No. 126, 106'6" more or less to the South-easterly angle thereof; thence Northerly along the Easterly limit of the said lot and its production Northerly in a straight line 42'1" more or less to a point distant 119' Southerly from the South-easterly angle of Lot No. 12 on the East side of Giles Street aforesaid; thence Westerly parallel with the Southerly limit of Lot No. 12, 106'6" more or less to the place of beginning.

CHAPTER 126.

An Act respecting the City of London (No. 2).

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of London has Preamble.
 by its petition prayed for special legislation in respect
 of the matters hereinafter set forth; and whereas it is expedient
 to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:

1. The agreements made between The Corporation of the Housing
agreements
validated.
 City of London and His Majesty, the King, in right of Canada
 and Wartime Housing Limited, set forth as schedules A and
 B hereto, are hereby ratified and confirmed and declared to
 be legal, valid and binding upon the said Corporation and the
 ratepayers thereof, and the said Corporation is hereby author-
 ized and empowered to carry out its obligations and to enjoy
 its rights, powers and privileges under the terms of the said
 agreements, provided that nothing in this section, nor in the
 said agreements contained shall in any way limit or affect
 any rights of the Corporation with respect to personal charges
 for health services.

2. By-law number A1985-304 of the Corporation of the By-law
A1985-304
validated.
 City of London, passed on the 5th day of November, 1945,
 set forth as schedule C hereto, is hereby ratified and con-
 firmed, and declared to be legal, valid and binding upon the
 Corporation and the ratepayers thereof, and the Corporation
 is hereby authorized and empowered to carry out its obliga-
 tions and to enjoy its rights, powers and privileges under the
 terms of the said by-law and under the provisions of the
 agreement provided to be entered into thereunder with The
 Board of Governors of the University of Western Ontario,
 which agreement, when entered into, shall be legal, valid and
 binding upon the Corporation and the ratepayers thereof and
 The Board of Governors of the University of Western Ontario.

3. The Corporation of the City of London is hereby au- Power to sell
lands to
veterans,
etc.
 thorized and empowered to sell to members and veterans of

the Armed Forces, and widows of deceased members and veterans thereof, at nominal considerations, lands no longer required for its purposes, for the purpose of assisting the said members, veterans and widows to erect dwellings and all such sales heretofore or hereafter made are ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Power to
sell lands to
contractors
for veterans'
dwellings.

4. The Corporation of the City of London is hereby authorized and empowered to sell to contractors, at nominal considerations, lands no longer required for its purposes, to assist contractors to construct dwellings for sale to members and veterans of the Armed Forces, and widows of deceased members and veterans thereof, and all such sales heretofore or hereafter made are ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act (No. 2)*, 1946.

SCHEDULE A

THIS AGREEMENT made in triplicate, this Nineteenth day of June, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City)

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable, the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called His Majesty)

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under The Dominion Companies Act, pursuant to the provisions of The Department of Munitions and Supply Act, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the Company)

OF THE THIRD PART:

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvements rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitor for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the sum of One dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

(a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house

of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three thousand, eight hundred dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawing numbers 1-6 inclusive; numbers H. 12, H. 15, drawings 1-7, inclusive and H. 21, H. 23, drawings numbers 1-6 inclusive, and to be constructed in accordance with the specifications of the Company, dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses") and

(b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water services and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependants and to the dependants of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; Provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependants acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the 31st day of the month of December in each of the years 1945 to 1959, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

(a) The sum of Twenty-four Dollars in respect of each of the houses containing two bedrooms, and

(b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the 31st day of December in each of the years 1945 to 1959, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the 31st day of December, 1950, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the 1st day of January, 1951, and the 31st day of December, 1955, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all encumbrances (save and except any encumbrances which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of January, 1960 to the 31st day of March, 1960, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate seal of the City, mailed, postage prepaid and registered, addressed His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty

forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of March, 1960, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of April, 1960, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 31st day of December in each year commencing with the year 1960. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is damaged by fire or the elements or otherwise prior to the 1st day of April, 1960, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF
LONDON

(Signed) D. J. H. FERGUSON,
Presiding Officer.
(Seal)

(Signed) NORA TOLL,
Clerk.

HIS MAJESTY, THE KING, IN RIGHT
OF CANADA herein represented by
the Minister of Munitions and
Supply of Canada acting through
Wartime Housing Limited.
(Seal)

(Signed) THOMAS GRAY,
(Signed) R. A. NEWCOMBE.

WARTIME HOUSING LIMITED

(Signed) THOMAS GRAY,
(Signed) R. A. NEWCOMBE.
(Seal)

LIST OF LOTS FOR WARTIME HOUSING LIMITED

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London, in the County of Middlesex, and the Province of Ontario, and being composed of—

FIRSTLY the whole of Lots Numbers Fifty-three (53) to Seventy-four (74) inclusive on the west side of Elgin Street, in the City of London, according to Registered Plan No. 526.

SECONDLY the whole of Lots Numbers Thirty-Three (33) to Fifty-two (52) inclusive on the East side of Sanders Street, in the City of London, according to Registered Plan No. 526.

THIRDLY the whole of Lots Numbers Twenty-one (21) to Thirty-one (31) inclusive on the West side of Sanders Street, in the City of London, according to Registered Plan No. 526.

FOURTHLY the whole of Lots Numbers Sixteen (16), Seventeen (17) and Eighteen (18) on the West side of Sanders Street, in the City of London, according to Registered Plan No. 526.

SCHEDULE B

THIS AGREEMENT made in triplicate this 11th day of December, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called "the City") OF THE FIRST PART;

—and—

HIS MAJESTY THE KING IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty") OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a Company incorporated under the Dominion Companies Act, pursuant to the provisions of the Department of Munitions and Supply Act (being Statutes of Canada, 4 George VI, Chapter 3, as amended), (hereinafter called "The Company") OF THE THIRD PART.

WHEREAS the City is the registered owner in fee simple of the various parcels of vacant land within the limits of the municipality of the City of London situate on improved public streets where sidewalks, water mains, sewers and street lighting services will be or have been constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said municipality and the City being desirous of taking steps to alleviate such shortage has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent and upon the terms and conditions all as hereinafter set forth to be known as London Project No. 3, upon the condition that the City shall convey to His Majesty the land necessary to provide such additional accommodation which as appears by a resolution of the Council adopted at a meeting held on the 10th day of December, 1945, the City has agreed to do upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this Agreement and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto mutually covenant and agree as follows:

1. The City shall convey to His Majesty in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are acceptable to His Majesty and as are set forth in the Schedule hereto annexed marked "A" (such parcels of land and such Schedule being hereinafter referred to respectively as "the building lots" and "the Schedule"), by deeds or transfers approved by the solicitors for His Majesty.

In the event that any of the said Lots are low in contour, the City will provide land fill of a clean and permanent nature sufficient to bring

the level of the lots up to the level of the adjacent sidewalk or street, whichever may be the higher.

2. His Majesty in consideration of the conveyance provided for in the next preceding clause shall pay or cause to be paid to the City the sum of One Dollar (\$1.00) for each of the building lots or each portion thereof upon which His Majesty or the Company erects a house as hereinafter provided, such sum to be paid upon the execution and delivery of the deed or transfer of each building lot or portion thereof.

3. Upon the execution and delivery of the conveyance provided for in clause 1 hereof His Majesty or the Company shall at His or its own cost and expense proceed forthwith:

A. To erect on the building lots so conveyed and set forth in the Schedule, such number of houses as His Majesty in his sole discretion may deem advisable (such houses being hereinafter referred to as "the houses"), at an average cost of approximately (\$4,000.00) each, to be of frame construction on cement blocks or solid concrete foundation to consist of any of the three types of houses shown on the plans of the Company, numbers H. 5, H. 6, drawing numbers 1-6 inclusive; numbers H. 15, H. 16, drawing numbers 1-7 inclusive and H. 45, H. 46, drawing numbers 1-8 inclusive and to be constructed in accordance with the specifications of the Company, dated July 1st, 1945 (which plans and specifications are filed with the Clerk of the City). The houses shall be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and shall be so erected and equipped with all due diligence and expedition. The said constructing and equipping is subject to the availability of the several materials and equipment and to the provisions of wartime regulations; and

B. To install all necessary water services and private drain connections from the water mains and sewers of the City to the houses (the installations of the portions of such connections from the water mains and sewers of the City to the lot lines to be under the supervision of and satisfactory to the Engineer of the City), or the City shall make such installations and His Majesty or the Company shall pay to the City its reasonable and proper costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost shall in the absence of fraud or mistake be conclusive evidence of the same and shall be final and binding on the Parties hereto; Provided that such installations shall in all cases include such relaying of street pavement as shall be required after and as a result of effecting such installations as in the honest opinion of the said City Engineer shall be necessary; Provided also, and it is hereby expressly declared and agreed by and between the Parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company and shall thereafter be maintained and repaired by the City at its own cost and expense except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or maintenance of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in Clause 3 hereof provided, the Company shall during the period from the 1st day of May 1946, to the 30th day of April, 1961, lease the houses and lands appurtenant thereto respectively, to sailors, soldiers, or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependants and to the dependants of any sailor, soldier or airman of such forces who is on general service outside Canada or who has been killed on active service in such war, at rents ranging from Twenty-two Dollars (\$22.00) to Thirty Dollars (\$30.00) per month per house; Provided, however, that whenever and so often as any of the houses is or becomes vacant and there are no applications of any such sailor, soldier or airman, or dependants thereof acceptable to and filed with the Company, the Company shall have the right to lease the same at the

rents aforesaid to whomever it shall in its uncontrolled discretion determine; And it is hereby expressly declared and agreed by and between the parties hereto that all water, gas and electric current supply charges or rates in respect to the houses, shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company at their own cost and expense, shall during the period referred to in Clause 4 hereof, undertake and carry out the management and control of the houses and appurtenances thereto belonging and shall at all times during such period well and sufficiently repair, maintain and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. The City covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the City as are furnished or made available to other properties or property owners and tenants in the City including without limiting the generality of the foregoing, fire protection, police protection and schools. The City covenants and agrees that the services to be provided under this clause and clause 3B. preceding will be provided by the City in time to permit of the occupancy of the houses as soon as house construction has advanced sufficiently to permit occupancy by tenants.

7. His Majesty and/or the Company shall pay to the City on the 1st day of the month of October in each of the years 1946 to 1961, both inclusive, for services rendered and privileges and facilities made available the sum of Twenty-four Dollars (\$24.00) in respect of each of the houses containing two bedrooms and the sum of Thirty Dollars (\$30.00) in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. His Majesty and/or the Company in addition to the payments provided for in Clause 7 hereof shall pay to the City on the 1st day of the month of October in each of the years 1946 to 1961 both inclusive, the sum of One Dollar (\$1.00) in respect of each of the houses in consideration for the street lighting services to be supplied by the City for the houses; Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

9. In consideration of the payments provided for in Clauses 7 and 8 hereof the City agrees not to levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupants of the houses while the same are owned by His Majesty; Provided that nothing contained in this Clause shall be deemed to limit the right of the City to charge the tenants or occupants of the houses while the same are owned by His Majesty, the public utility rates, and other charges provided for in Clause 4 hereof, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the City of London.

Nothing in this Agreement contained shall limit the right of the City of London to collect poll tax from any person resident in the houses.

10. Notwithstanding anything contained in this agreement the provisions herein except Clause 13 hereof shall only affect the houses and lands appurtenant thereto while owned by His Majesty and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided, however, that whenever and so often during the period from the date hereof to the 30th day of April, 1951 (both dates inclusive) as His Majesty shall sell or transfer any of the houses and lands appurtenant thereto, His Majesty and/or the Company shall pay to the City the sum of Four Hundred Dollars (\$400.00) in respect of the lands appurtenant to each house so sold; And provided that whenever during the period from the 1st day of May, 1951 to the 30th day of April, 1956 (both dates in-

clusive) as His Majesty shall sell or transfer any of the houses and land appurtenant thereto His Majesty and/or the Company shall pay to the City the sum of Two Hundred Dollars (\$200.00) in respect of the land appurtenant to each house so sold. PROVIDED FURTHER that in the year in which any house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in Clauses 7 and 8 hereof shall be pro rated proportionately to the part of the year during which His Majesty was owner of such house or houses and the lands appurtenant thereto.

11. His Majesty in consideration of the City entering into and executing these presents, hereby gives to the City an option irrevocable within the time for acceptance herein limited to purchase free from all encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lots owned by His Majesty on May 1st, 1961, as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company for the sum of One Thousand Dollars (\$1,000.00) for each of the building lots together with the house and appurtenances. The option hereby given shall be open for acceptance at any time from the 1st day of May, 1961, to the 31st day of July, 1961, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Clerk of the City sealed with the Corporate Seal of the City mailed postage prepaid and registered, addressed to His Majesty in care of the Company at 55 York Street, Toronto (or such other address as may be designated by His Majesty or the Company in writing), stating in such letter that this option is accepted and enclosing therewith an accepted cheque payable to the order of His Majesty in the amount of ten per centum (10%) of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty (60) days from the date of acceptance, all adjustments to be made as of the 31st day of July, 1961, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfer approved by the solicitor for the City.

12. His Majesty and/or the Company from and after the 1st day of May, 1961, shall pay annually to the City in respect of each house and the land appurtenant thereto while owned by His Majesty for services rendered and privileges and facilities made available, a sum equal to the amount of the taxes, rates and/or assessments, including local improvement rates, that would be payable in respect thereof if the same were owned by a non-exempt person, company and/or corporation. Such sum shall be paid to the City on or before the 31st day of December in each year commencing with the year 1961; provided that such payments shall be pro-rated in respect of the portion of the year in which each of the said houses and lands appurtenant thereto ceases to be owned by His Majesty.

13. Any existing or future provisions of the charter and/or by-laws of the City respecting the manner, mode, location and type of construction of buildings erected in accordance with the terms hereof shall not apply to any of the houses whether owned by His Majesty or otherwise.

14. In the event that any of the houses while owned by His Majesty are damaged by fire or the elements or otherwise prior to the 1st day of August, 1961, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair or rebuild such house or completely remove the remains of such damaged house from the building lot or portion thereof appurtenant thereto. In the event of the removal of such damaged house His Majesty shall for the nominal sum of One Dollar convey to the City in fee simple free from all encumbrances (save and except any encumbrances which may be registered against such building lot or portion thereof at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lot or portion thereof formerly appurtenant to such house. Such conveyance shall be by a deed or transfer approved by the solicitor of the City.

15. In the event that the actual average cost per house shall exceed or be less than the said estimated average cost of \$4,000.00 per house

referred to in Clause 3 hereof, then the period referred to in Clause 4 hereof shall be extended by one year for and in respect of each full \$200 by which said actual average cost per house exceeds said estimated average cost or be reduced by one year for and in respect of each full \$200 by which said actual average cost per house is less than said estimated average cost, and, in particular, the year "1961" wherever it appears in Clauses 4, 7 and 8 hereof and the year "1961" wherever it appears in Clauses 11, 12 and 14 hereof shall be reduced or increased, as the case may be, by the number of years by which the period referred to in Clause 4 hereof is so extended or reduced as aforesaid.

16. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation validating and confirming this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF LONDON

per W. J. HEAMAN, *Mayor.*

per NORA TOLL, *Clerk.*
(Seal)

HIS MAJESTY, THE KING, IN RIGHT OF CANADA herein represented by the Minister of Munitions and Supply of Canada acting through Wartime Housing Limited.

per THOMAS GRAY,
per R. A. NEWCOMBE. (Seal)

WARTIME HOUSING LIMITED
per THOMAS GRAY,
per R. A. NEWCOMBE. (Seal)

Schedule A

Description	Registered Plan No.	Houses
Lots 16 to 22, inclusive, on West Delaware Avenue, each 34' x 100', making 5 lots 39' each, 1 lot 43'.		
Lots 33 to 39, inclusive, on East Delaware Avenue, each 35' x 100', making 5 lots 40' each, 1 lot 45'....	528	12 houses
Lot No. 99 East Madison Avenue, 40' x 113' 10½"...	513	1 house
Lots Nos. 58 to 62, inclusive, West Pine Lawn Avenue and Lot No. 2 West Pine Lawn Avenue, total width on the square 286' 4", making 6 lots of 40' frontage each and 1 lot of 46' 4" frontage.....	513	7 houses
Lot No. 41 East Pine Lawn Avenue, 48' x 98' 10½"...	513	1 house
Lots Nos. 45, 46 and 47 East Pine Lawn Avenue and Lot No. 3 East Pine Lawn Avenue, total width on square 190' 4", making 3 lots of 47' frontage each, 1 lot 49' 4".....	513	4 houses
Lots Nos. 17 and 11 West East Street, each 40' x 113' 10½".....	513	2 houses
Lots Nos. 15, 16 and 17 West Sanders Street, each 33' x 106' 6", making a 99' frontage or 2 lots 49' 6" each..	511	2 houses
Lot No. 16 East Elgin Street, 35' x 106' 6" and Lot No. 17 East Elgin Street, 62' x 106' 6" (this lot is 64' 0¾" at rear), total frontage 97', or 2 lots 48' 6" each.....	519	2 houses
Lots Nos. 69 and 70 East Elgin Street, each 33' x 106' 6" and Lot No. 71 East Elgin Street, 30' x 106' 6", total frontage 96', or 2 lots each 48' x 106' 6"	511	2 houses

Description	Registered Plan No.	Houses
Lot No. 65 and Northerly 16' 6" of Lot No. 64 on the East side of Elgin Street, 33' plus 16' 6" makes 1 lot 49' 6" x 106' 6"	511	1 house
Lots Nos. 14 and 15 East Sanders Street, each 35' x 110' 8½". Lot No. 13 East Sanders Street, 24' 1" frontage x 110' 8½", extending to a width of 95' at the rear. Part of Lot No. 34 East Sanders Street, 57' 3" x 129' 2", being the northerly 57' 3" of this lot, total frontage 151' 4", making three lots 38' x 110' 8½" each and 1 lot 37' 4" x 110' 8½" extending to 108' 3" width at rear.	541	
Lots Nos. 24 to 27, inclusive, and part of Lots 23 and 28 on the West side of Sanders Street, according to Registered Plan No. 137, and described as: Commencing at a point in the Westerly limit of Sanders Street distant 420' Southerly along the said limit from its intersection with the Southerly limit of the Hamilton Road; thence Westerly at right angles to Sanders Street 110' 9" more or less to the Easterly limit of Lot No. 23 aforesaid; thence Southerly along the Westerly limits of Lots No. 23 to 28 inclusive, to the South-westerly angle of the said Lot No. 28; thence Easterly, along the Southerly limit of the said Lot No. 28, 35' more or less to a point where a line drawn Westerly at right angles to the Westerly limit of Sanders Street from a point therein distant 360' Southerly from the place of commencement would intersect the said Southerly limit of Lot No. 28 aforesaid; thence Easterly at right angles to the Westerly limit of Sanders Street 70' more or less to the Westerly limit of Sanders Street and thence Northerly along the Westerly limit of Sanders Street 360' to the place of beginning; save and except the Westerly 10' of Lot No. 28 aforesaid. 9 lots, each 40' x 110' 9"	137	4 houses
Part Lots Nos. 10, 11 and 12 on the East side of East Street, according to Registered Plan No. 137, and more particularly described as: Commencing at a point in the Easterly limit of East Street distant 382' 3" Southerly along the said limit from its intersection with the Southerly limit of the Hamilton Road; thence Easterly at right angles to the Easterly limit of East Street 110' 9" more or less to the Easterly limit of Lot No. 11 aforesaid; thence Northerly along the Easterly limits of Lots Nos. 11 and 10 aforesaid 120'; thence Westerly in a straight line at right angles to the Easterly limit of East Street 110' 9" more or less to the Easterly limit of East Street and thence Southerly along the Easterly limit of East Street 120' to the place of beginning. 3 lots, each 40' x 110' 9"	137	9 houses
	137	3 houses
	Total of 50 houses	

SCHEDULE C

BY-LAW No. A-1985-304

RESPECTING THE UNIVERSITY
OF WESTERN ONTARIO

WHEREAS The Board of Governors of the University of Western Ontario has undertaken a building scheme for the erection of necessary buildings for the University of Western Ontario, for which the sum of \$2,500,000.00 will be expended in and adjacent to the City of London over a period of ten years;

AND WHEREAS The Board of Governors of the University of Western Ontario has requested The Corporation of the City of London to contribute to the said building scheme the sum of \$500,000.00;

AND WHEREAS it is expedient for The Corporation of the City of London to make the said contribution in the manner and upon the terms and conditions hereinafter set forth;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London as follows:

1. The Corporation of the City of London will levy upon the rateable property in the City of London the sum of \$83,333.33 in each of the years 1946 to 1951, both inclusive, and will pay the said sum to The Board of Governors of the University of Western Ontario from time to time as The Board of Governors of the University of Western Ontario establishes to the satisfaction of the Treasurer of the Corporation the progress of the said building scheme.

2. The Board of Governors of the University of Western Ontario shall expend the said moneys for the purpose of the construction of buildings only in and adjacent to the said City of London and shall not expend the said moneys for any other purpose whatsoever.

3. The following question shall be submitted for the opinion of the municipal electors on the third day of December, 1945, namely: "Are you in favour of a grant by The Corporation of the City of London to the University of Western Ontario of \$83,333.33 in each of the years 1946 to 1951, both inclusive, to assist in its building scheme which provides for the expenditure of \$2,500,000.00 for building purposes in and adjacent to the City of London?" If the question receives a favourable opinion of the electors, The Corporation of the City of London will apply to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between The Corporation of the City of London and The Board of Governors of the University of Western Ontario, and declaring the same to be valid and binding on the Corporation and the ratepayers thereof and upon The Board of Governors of the University of Western Ontario.

4. This by-law and the terms and conditions hereof shall not take effect and be binding upon the Corporation unless and until the said electors of the said City of London have given their favourable opinion on the said question, and until confirmed and validated by an Act of the Legislature of the Province of Ontario, as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding upon the Corporation and the ratepayers thereof in the same manner and to the same extent as if set out at length in the said Act nor unless and until accepted by The Board of Governors of the University of Western Ontario by an agreement which shall legally bind the parties thereto to perform, observe and comply with the terms and conditions herein contained, and shall be in a form approved by the City Solicitor, and such agreement

when so approved shall be executed under the seal of the Corporation
and by the Mayor or Acting Mayor and Clerk.

PASSED in open Council this fifth day of November, A.D. 1945.

NORA TOLL,
Clerk.

W. J. HEAMAN,
Mayor.

(Seal)

CHAPTER 127.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

An Act respecting the Town of Merritton.

WHEREAS the Corporation of the Town of Merritton Preamble.
has by its petition prayed for special legislation to
confirm certain orders of the Ontario Municipal Board
annexing parts of the Township of Grantham to the Town of
Merritton; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3715
confirmed.
dated the 10th day of October, 1945, set out as schedule A
hereto, is hereby confirmed.

2. Order No. P.F. B-3993 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3993
confirmed.
dated the 1st day of November, 1945, set out as schedule B
hereto, is hereby confirmed.

3. The said orders shall have effect on and from the 1st Effective
date.
day of January, 1946.

4. The lands annexed to the Town of Merritton, when Assessment
and
Taxation.
added to the assessment rolls of the Town of Merritton for
the year 1945 pursuant to the said orders, shall be assessed and
all proceedings shall be taken under the provisions of *The Rev. Stat.,*
Assessment Act as if the lands had been entered upon the said c. 272.
rolls under the said Act, and when the assessments thereof
have been revised and confirmed the said lands shall be liable
to taxation in the year 1946 at the same rate as other lands
in the Town of Merritton.

5. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

6. This Act may be cited as *The Town of Merritton Act*, Short title.
1946.

SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Tenth day of October, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23
of "The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by The Corporation of the Town
of Merritton for annexation to
the Town of Merritton of part of
the Township of Grantham.

UPON the application of the Corporation of the Town of Merritton and upon reading its By-law No. 647, passed on the 17th day of August, 1945, authorizing an application to this Board for an order annexing part of the Township of Grantham to the town of Merritton, and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the said Corporation of the Town of Merritton, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Board's Chambers in the Parliament Buildings in the City of Toronto on the 10th day of October, 1945,

THIS BOARD DOETH ORDER AND PROCLAIM that that part of the Township of Grantham, in the County of Lincoln, being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 13, 14 and 15 in Concession 8 and part of Lot 13 in Concession 9 in the said Township and which may be more particularly described as follows:—Commencing at the north-west angle of Lot 14 in the 8th Concession of the Township of Grantham; thence north-easterly in the southerly boundary of the road allowance between Concessions 7 and 8 to the westerly boundary of the Town of Merritton; thence south-easterly in the westerly boundary of the Town of Merritton to the northerly boundary of the lands of the Canadian National Railway; thence north-westerly in the said last mentioned boundary to its intersection with the easterly boundary of the road allowance between Lots 14 and 15; thence northerly in the said last mentioned boundary to the place of beginning. CONTAINING by admeasurement 90 acres more or less. SAVE AND EXCEPT THEREFROM that part of the road allowance between Concessions 8 and 9 lying within the bounds of the above described property, be and the same is hereby annexed to the Town of Merritton subject to the following terms and conditions, namely:—

1. That the said part of the Township of Grantham to be annexed to the Town of Merritton, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the Town of Merritton for the year 1945 upon which taxes will be levied in the year 1946.

2. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

3. That the Corporation of the Town of Merritton shall have the right to collect all the said taxes owing to the Corporation of the Township

of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Merritton but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Merritton to the Corporation of the Township of Grantham within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the Town of Merritton.

5. That the Corporations of the Town of Merritton and the Township of Grantham shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act*, shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order shall take effect on and from the 1st day of January, 1946.

(Seal)

(Signed) R. S. COLTER,
Chairman.

SCHEDULE B

P.F. B-3993

THE ONTARIO MUNICIPAL BOARD

Thursday, the First day of November, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by the Corporation of the Town
of Merritton for annexation to
the Town of Merritton of part of
the Township of Grantham.

UPON THE APPLICATION of the Corporation of the Town of Merritton and upon reading its By-law No. 649, passed on the 27th day of August, 1945, authorizing an application to this Board for an order annexing part of the Township of Grantham to the Town of Merritton and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the Corporation of the Town of Merritton, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Board's Chambers in the Parliament Buildings in the City of Toronto on the 10th day of October, 1945 and the said hearing having been adjourned until the 24th day of October, 1945 and having been further adjourned until the 1st day of November, 1945,

THIS BOARD DOTH ORDER AND PROCLAIM that that part of the Township of Grantham, in the County of Lincoln, being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 10 and 11 in Concession 9 and part of the road allowance between Concessions 8 and 9 in the said Township, and which may be more particularly described as follows:—Commencing at the north-east angle of College Street in the Town of Merritton; thence south 0 degrees and 18 minutes west in the easterly end of College Street, and the easterly boundary of Lot 161 of the said Town, 606.8 feet to the south-east angle of said Lot 161; thence south 89 degrees and 42 minutes west in the southerly boundary of the said Lot 89 and its production, 454.2 feet more or less to the easterly boundary of the Town of Merritton; thence southerly and easterly in the said easterly boundary more or less to the northerly boundary of the lands of the Canadian National Railway which forms the northerly boundary of the Town of Merritton; thence south 77 degrees and 53 minutes east in the said northerly boundary more or less to a point distant easterly 130 feet from the easterly boundary of Ker Street produced northerly measured at right angles to the said easterly boundary of Ker Street; thence north 1 degree and 18 minutes west parallel to the northerly production of the easterly boundary of Ker Street and at a distance of 130 feet therefrom more or less to a point in the northerly boundary of the road allowance between Concessions 8 and 9; thence westerly in the said last mentioned boundary to a point in the westerly boundary of the lands of the Niagara, St. Catharines and Toronto Railway which said westerly boundary forms the easterly boundary of the Town of Merritton; thence south 25 degrees and 32 minutes east in the said last mentioned boundary more or less to a point in the westerly production of the northerly boundary of College Street in the Town of Merritton; thence north 89 degrees and 42 minutes east in the said production and the said northerly boundary more or less to the place of beginning, be and the same is hereby annexed to the Town of Merritton subject to the following terms and conditions, namely:

1. That the said part of the Township of Grantham to be annexed to the Town of Merritton, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order, shall be added to the assessment rolls of the Town of Merritton for the year 1945 upon which taxes will be levied in the year 1946.

2. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

3. That the Corporation of the Town of Merritton shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Merritton but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Merritton to the Corporation of the Township of Grantham within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands, including all roads and streets and allowances therefor, shall vest, from and after the said date in the Corporation of the Town of Merritton.

5. That the Corporations of the Town of Merritton and the Township of Grantham shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act*, shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order shall take effect on and from the 1st day of January, 1946.

(Signed) R. S. COLTER,
Chairman.

(Seal.)

CHAPTER 128.

An Act respecting the Town of New Liskeard.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Town of New Liskeard Preamble.
has by its petition prayed for special legislation to
confirm a certain annexation order of the Ontario Municipal
Board; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Order No. P.F. B-4177 of the Ontario Municipal Annexation
order
confirmed.
Board dated the 19th day of November, 1945, set out as
schedule A hereto, is hereby confirmed.

(2) The said order shall be deemed to have had effect as of Effective
date.
midnight, the 31st day of December, 1945.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Town of New Liskeard* Short title.
Act, 1946.

SCHEDULE A

(P.F. B-4177)

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Dymond, District of Temiskaming, Province of Ontario, comprising all or part of Lots Nos. 7, 8 and 9, and broken Lot 10 in Concession 2, and Lot 7 and broken Lots 8 and 9 in Concession 1, more particularly described as follows: Namely:

FIRSTLY: All of Lot 7, Concession 1 in the said Township of Dymond;

SECONDLY: All of Lot 7, Concession 2 in the said Township of Dymond;

THIRDLY: All of broken Lot 10, Concession 2 in the said Township of Dymond;

FOURTHLY: All of Lots 8 and 9, Concession 2 in the said Township of Dymond and all of broken Lots 8 and 9 Concession 1 in the said Township of Dymond excepting that portion included within the town boundaries of New Liskeard as surveyed in accordance with description embodied in Proclamation dated 30th day of March, 1903, and published in the *Ontario Gazette* of the 4th day of April, 1903, as follows, namely:

COMMENCING at the south-east corner of said Lot No. 9, in the second Concession of the Township of Dymond aforesaid; thence northerly along the easterly boundary of said Lot No. 9 a distance of fifty-five chains; thence across said Lot No. 9 and said Lot No. 8 in the said Second Concession of the said Township of Dymond and parallel with the northerly boundaries of said Lots Nos. 9 and 8 to the westerly boundary of said Lot No. 8; thence southerly along the westerly boundary of said Lot No. 8 to the south-west corner of said Lot No. 8 a distance of fifty-five chains; thence commencing at the north-west corner of said Lot No. 8 in the First Concession of the said Township of Dymond; Thence southerly along the westerly boundary of said last mentioned Lot No. 8 a distance of thirty-nine chains; thence easterly and parallel with the southerly boundary of said last mentioned Lot No. 8 a distance of twenty chains; thence southerly and parallel with the westerly boundary of said Lot No. 8 to the southerly boundary of said Lot a distance of forty-one chains; thence easterly along the southerly boundary of said Lot No. 8 a distance of nine chains and fifty links, more or less, to the water's edge of Lake Timiskaming; thence north and easterly along the water's edge of said Lake and along the south-easterly side of said Lot No. 8 last mentioned and Lot No. 9 in the said First Concession of the Township of Dymond aforesaid, to the mouth of the Wabi's Creek and across the mouth of said Wabi's Creek to the north-east corner of said last mentioned Lot No. 9; thence following the said Lake Shore to the point where the southerly boundary of said Second Concession of the Township of Dymond intersects the said Lake Shore; thence westerly along the said southerly boundary of the said Second Concession to the place of beginning;

AND containing a total area of 1187 acres be the same more or less.

(P.F. B-4177)

MONDAY, the Nineteenth day of November, A.D., 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andD. S. CHARLTON, Esq.,
Vice-Chairman.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O. 1937,
Chapter 266), (as re-enacted by
"The Municipal Amendment Act
1939", 3 Geo. VI, Chapter 30,
Section 2), andIN THE MATTER OF an Application by
the Corporation of the Town of
New Liskeard for annexation to the
Town of New Liskeard of part of
the Township of Dymond herein-
after mentioned and described.

UPON THE APPLICATION of the Corporation of the Town of New Liskeard, and the Board having appointed Thursday, the 15th day of November, 1945, at ten o'clock in the forenoon at the Council Chambers, New Liskeard, Ontario, for the Hearing of this application, and upon being satisfied that notice of the Appointment for Hearing was given as directed by the Board, and upon reading By-law No. 919 of the Council of the Town of New Liskeard, passed the 29th day of June, 1945, herein, filed with the Board, authorizing this Application, and other material filed, and upon holding the said public Hearing at the Council Chambers, New Liskeard, Ontario, on Thursday, the 15th day of November, 1945, and upon hearing what was alleged at the said Hearing,

THE BOARD ORDERS, under and in pursuance of the provisions of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266) (as re-enacted by "The Municipal Amendment Act 1939" 3 George VI, Chapter 30, Section 2),

(1) That that part of the Township of Dymond, in the District of Temiskaming, described in Schedule "A" hereto, be and the same is hereby annexed to the Town of New Liskeard, and the said annexation shall take effect as of midnight, the 31st day of December, 1945.

(2) That there shall be an adjustment of assets and liabilities between the said Town of New Liskeard and the said Township of Dymond in respect of the annexation of the said land in accordance with the provisions of "The Municipal Act".

Payment of the Board's fee on this application pursuant to R.S.O. 1937, C. 60, S. 104 and S. 107 (re-enacted by S.O. 1939, Chapter 47) in the sum of \$25.00 is hereby acknowledged and confirmed.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

CHAPTER 129.

An Act respecting the Township of Niagara.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Township of Niagara ^{Preamble.} has by its petition prayed for special legislation providing for the method of assessing the cost and for establishing water rates and service charges in respect of its proposed Niagara Township Waterworks System; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the Township of Niagara may, under the provisions of *The Local Improvement Act*, pass by-laws for defining an area and for the construction of waterworks and the laying of mains and the installing of meters and other apparatus to distribute a supply of water to the inhabitants in the said area to be known as the Niagara Township Waterworks System. ^{Waterworks System. Rev. Stat., c. 269.}

2. The said council may, in such by-laws, provide that such part of the total cost thereof, including that part which would otherwise be the Corporation's portion, as to the council may seem proper shall be assessed on a frontage basis and that the remainder shall be assessed on the rateable property in the area. ^{Assessment of cost.}

3. The said council may, in such by-laws, provide that the maximum assessable frontage of any property in the area, for the purposes of such by-laws, shall be limited to 600 feet. ^{Maximum assessable frontage.}

4. The said council may from time to time, by by-law, extend the said area and lay mains and instal meters and other appliances to connect with the said waterworks system upon petition, pursuant to the provisions of *The Local Improvement Act*, of the property owners in such proposed extended area and upon the said area being so extended may provide, by by-law, that such part of the original cost of the ^{Extensions to system.}

said waterworks system, as to the council may seem proper, shall be assessed against the properties in the said extended area.

Service
charge.

Rev. Stat.,
c. 286.

5. The said council may, in addition to any water rates established for the said area, pursuant to the provisions of *The Public Utilities Act*, make and levy a service charge against each dwelling or water taker in the area and any extension thereof.

Exemptions
and
reductions.

6. The said council may, in procuring the special assessment roll, to be made pursuant to the provisions of *The Local Improvement Act*, provide, subject to appeal to the court of revision and to the county judge under the said Act, for such exemptions of lands fronting or abutting on the said waterworks system as to the council may seem proper and may also reduce the rateable assessment, on such special assessment roll, of any property in the area, and any extension thereof, so as to make an equitable adjustment of any rate levied on the rateable assessment of the properties in the area, having regard to the maximum possible benefit to any such property, and the court of revision and county judge, in any appeal against the said special assessment roll, shall have regard to the provisions of this Act.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Township of Niagara Act, 1946*.

CHAPTER 130.

An Act respecting the Township of North York.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Township of North York has by its petition prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,—

Definitions,—

- (a) "voted area" shall mean area of the Township set apart under subsections 2 and 3 of section 54 of *The Power Commission Act*; "voted area";
- (b) "Commission" shall mean The Hydro-Electric Power Commission of Ontario; and "Commission";
- (c) "local Commission" shall mean The Hydro Electric Commission of the Township of North York. "local Commission";

(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof, amalgamate two or more street lighting areas within the voted area and any street lighting works constructed under *The Local Improvement Act*, into one street lighting area; Power to amalgamate street lighting areas.

(3) In the event of any such amalgamation, all rights and claims of the areas and works so amalgamated shall be determined under section 9 of *The Township of North York Act, 1935*, and the provisions of the said section shall apply *mutatis mutandis* thereto. Determination of rights and liabilities.

(4) The local Commission shall, at the request of the council, furnish to the Corporation an annual rate approved by the Commission for each street lighting fixture, to be known as a Payment.

unit rate, which shall include the annual charges for: the capital cost of the equipment, depreciation, lamp renewals, maintenance and cost of power, and such unit rate for each such fixture shall be raised, levied and collected by an annual special rate upon the taxable property abutting on the work, provided that the council may from time to time by by-law, without the assent of the electors, provide that the whole or such part of the unit rate as the council may deem proper shall be raised by the levy of a special rate on the rateable property within the area.

Additional
street
lighting.

(5) The council shall, upon petition for additional street lighting within the area set out in such petition, determine the type of street lighting to be installed, and the unit rate applicable thereto shall be based on the estimate submitted by the local Commission at the request of the council and shall be determined as aforesaid.

Existing
contracts.

(6) Every contract in effect with the Commission or the local Commission may by by-law be made applicable to any area established under this section.

Conflict.

(7) In the case of a conflict between the provisions of *The Power Commission Act*, *The Local Improvement Act* and this section, the provisions of this section shall govern.

Commence-
ment of
by-laws.

(8) No by-law passed under this section shall come into force until it has been approved by the Commission.

Community
halls.

2. The council of the Corporation of the Township of North York may upon the request of a representative body of municipal ratepayers and the determination of an area by the council,—

- (a) submit a question to the municipal electors qualified to vote on money by-laws within the area for the expenditure of money for the building of a community hall within the said area;
- (b) upon the assent of a majority of such electors to the question, shall by by-law create the area, and provide for the erection of the community hall;
- (c) in the same or by subsequent by-law provide that the cost or such portion thereof as is necessary for the erection of the community hall, shall be chargeable to the area created therefor.

Alteration
of bound-
aries of
School
Section
Number 2.

3. Notwithstanding anything contained in subsection 9 of section 55 of *The Public Schools Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof

before the 1st day of July in any year, alter the boundaries of School Section Number 2 within the Township by adding thereto all or part of the portion of Township School Area Number One described in schedule C hereto, and that such portion so removed from the said Township School Area shall be relieved from the payment of any existing debt of the said Township School Area from which it has been removed; such by-law, however, shall be subject to the approval of the Minister of Education and shall take effect if so approved on the 25th day of December in the year in which it is passed.

4. The Tax Arrears Certificate dated the 3rd day of December, 1940, and registered in the Registry Office for the Registry Division of the East and West Riding of the County of York on the 26th day of December, 1940, as Number 31759, covering parts of Lots 8 and 9 in the Second Concession East of Yonge Street, Township of North York, is hereby confirmed and declared to be legal, valid and binding, and to have had the effect of vesting in the Corporation of the Township of North York on the Twenty-sixth day of December, 1940, not merely the right-of-way over, but the title to, the lands described in schedule A hereto. Tax Arrears Certificate 31759 validated.

5. No part of the Township of North York shall be incorporated as a municipality separate and apart from the Township, without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*. No incorporation of part of North York.

6. The agreement made between the Corporation of the Township of York and the Corporation of the Township of North York, dated the 4th day of February, 1946, set out as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto. Water supply agreement validated.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The Township of North York Act, 1946*. Short title.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York, and being composed of part of Township Lot 8 in the Second Concession East of Yonge Street, and which said parcel may be more particularly described as follows:

Commencing in the easterly limit of Bayview Avenue where a round iron pipe has been planted therein distant two hundred and one feet six inches (201' 6") measured southerly thereon from the north-westerly angle of said Lot Number 8, being the north-westerly angle of a parcel of land owned by one Wilkinson;

Thence bearing north seven degrees fifty-five minutes (70° 55') west along said easterly limit of Bayview Avenue sixty-six feet seven inches (66' 7") to a stake planted therein;

Thence bearing north seventy-four degrees thirty-three minutes (74° 33') east along a line drawn parallel to and distant sixty-six feet (66') measured northerly at right angles from the northerly limit of said Wilkinson parcel four hundred and sixty-two feet six and one-half inches (462' 6½") to a stake planted;

Thence bearing north forty-eight degrees forty minutes (48° 40') east three hundred and six feet seven inches (306' 7") more or less to a stake planted in the limit between Township Lots 8 and 9 in the Second Concession distant seven hundred and twenty feet ten and one-half inches (720' 10½") measured easterly thereon from the easterly limit of Bayview Avenue;

Thence bearing north seventy-four degrees nine minutes thirty seconds (74° 9' 30") east along the limit between Township Lots 8 and 9 eight hundred and forty-seven feet and eleven inches (847' 11") to a stake;

Thence bearing south twenty-seven degrees fifty-four minutes (27° 54') east sixty-six feet and six inches (66' 6") to a stake planted in a line drawn sixty-six feet (66') southerly at right angles from the northerly limit of the lands herein described;

Thence bearing south seventy-four degrees nine minutes thirty seconds (74° 9' 30") west along the last mentioned parallel line eight hundred and forty-seven feet and one inch (847' 1") to a stake planted;

Thence bearing south forty-eight degrees forty minutes (48° 40') west three hundred and six feet and ten inches (306' 10") to a round pipe planted at the north-easterly angle of the said parcel owned by one Wilkinson;

Thence bearing south seventy-four degrees thirty-three minutes (74° 33') west along the northerly limit of said Wilkinson lands four hundred and eighty-six feet and five inches (486' 5") to the point of commencement.

SUBJECT, however, to any rights-of-way which may have existed on the Twenty-sixth day of December, A.D. 1940, over the hereinbefore described lands.

SCHEDULE B

THIS AGREEMENT, made in triplicate this 4th day of February, One Thousand Nine Hundred and Forty-six,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called "York"

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
hereinafter called "North York"

OF THE SECOND PART.

WHEREAS North York is, under the terms of an agreement made with His Majesty the King, The Corporation of the City of Toronto and The Veterans Housing Project (Toronto) Limited, required to provide water to serve an area in the Township of North York adjacent to the limits of the Town of Weston and of the Township of York where a Dominion Government Permanent Housing Development has been planned;

AND WHEREAS York purchases its supply of water from the Corporation of the City of Toronto and has been requested by North York to sell to North York a supply of water in order to enable North York to serve the said areas hereinafter described, which York with the consent of the Corporation of the City of Toronto has agreed to do upon the terms and conditions hereinafter contained;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligations hereinafter contained is hereby agreed by and between the Parties hereto as follows:

1. York hereby agrees to sell to North York a supply of water in order to enable North York

(a) To supply water for domestic and fire protection purposes to the two hundred houses more or less erected or to be erected by the Veterans Housing Project (Toronto) Ltd. in that part of North York designated herein as Area "A" and described as follows:

"A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which may be more particularly described as follows:

Commencing at a point in the North limit of said Lot 4 distant easterly therein five hundred feet (500') from the Northwest angle of the said Lot 4;

Thence Easterly along the North limit of the said Lot 4 a distance of one thousand five hundred and ninety-five and thirty-five one hundredths feet (1595 35/100') more or less to the North-east angle of the proposed subdivision of lands upon which the Veterans Housing Project (Toronto) Ltd. are erecting Veterans' houses;

Thence South nine degrees forty-four minutes East (S. 9° 44' E.) a distance of one thousand and thirty and five-tenths feet (1030 5/10') to an angle in the said proposed plan of subdivision;

Thence South six degrees fifteen minutes West (S. 6° 15' W.) a distance of three hundred and fifty seven and seventy-five one hundredths feet (357 75/100') to a point in the north limit of Trethewey Drive;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the said North limit of Trethewey Drive a distance of one thousand two hundred and ten feet (1210') more or less to the west limit of a street allowance running northerly from Trethewey Drive;

Thence North six degrees fifteen minutes East (N. 6° 15' E.) a distance of two hundred and thirty-six feet (236') more or less to the south limit of a street allowance;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the south limit of a street allowance a distance of two hundred and forty-five feet (245') more or less to an angle in the same;

Thence South eighty degrees eighteen minutes thirty seconds West (S. 80° 18' 30" W.) and along the South limit of a street allowance one hundred and forty-five feet (145') more or less to a point in the southerly production of the west limit of the said plan of subdivision;

Thence North nine degrees forty-one minutes thirty seconds West (N. 9° 41' 30" W.) and along the West limit of the said proposed plan of subdivision a distance of one hundred and seventy-five and six-tenths feet (175 6/10') to an angle;

Thence North eighty degrees eighteen minutes thirty seconds East (N. 80° 18' 30" E.) a distance of ten and ninety-six one hundredths feet (10 96/100');

Thence North nine degrees forty-four minutes West (N. 9° 44' W.) a distance of three hundred and sixty-three and two tenths feet (363 2/10') more or less to the point of commencement.

and

(b) To supply water for manufacturing and domestic drinking purposes only to the lands which are now or may hereafter be developed for manufacturing purposes lying on either side of Industry Street in North York in an Area designated herein as Area "B" and which may be described as follows:

"B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which said parcel may be more particularly described as follows:

Commencing at the point of intersection of the South limit of the said Lot 3 with the Northeast limit of the right-of-way of the Canadian Pacific Railway Co.;

Thence Northwesterly along the Northeast limit of the right-of-way of the Canadian Pacific Railway Co. a distance of one thousand three hundred and fifty-eight feet six inches (1358' 6") more or less to the point of intersection with the West limit of the said Lot 3 being the East limit of Jane Street;

Thence Northerly along the West limit of the said Lot 3 a distance of four hundred and fifty feet (450');

Thence North thirty-four degrees twenty-one minutes East (N. 34°-21' E.) a distance of four hundred and sixty-four feet four and three-quarter inches (464' 4¾") to a point in the Southwest limit of Industry Street;

Thence Easterly to the point of intersection of the Northeast limit of Industry Street with the South limit of Trethewey Drive;

Thence South eighty-three degrees forty-five minutes East (S. 83°-45' E.) and along the South limit of Trethewey Drive a distance of Two

thousand five hundred and fifty feet (2550') more or less to a point of curvature;

Thence Southerly in a straight line a distance of five hundred and forty-nine feet (549') to a point distant five hundred feet (500') measured northerly from and at right angles to the South limit of the said Lot 3 drawn from a point measured one thousand two hundred feet (1200') westerly in the South limit of the said Lot 3 from its intersection with the Southwest limit of Trethewey Drive;

Thence Southerly at right angles to the South limit of the said Lot 3 a distance of five hundred feet (500') to a point in the South limit of the said Lot 3 distant one thousand two hundred feet (1200') measured West-erly therein from the Southwest limit of Trethewey Drive;

Thence Westerly along the South limit of the said Township Lot 3, a distance of one thousand five hundred and forty-five feet two inches (1545' 2") more or less to the point of commencement;

2. The supply of water shall be taken by North York from the York Waterworks distribution system through the 12-inch watermain on Industry Street at or near the boundary of North York at a point to be determined by the Commissioner of Works for York.

3. The supply of water shall be metered at the said point, and North York shall provide and pay for such meter and the installation of same. North York at its own expense shall maintain and keep in repair the said meter and the recorder, recorder house, meter house, meter chambers, drains and all other appurtenances connected therewith. North York shall during the winter months at its own expense continuously heat such recorder or meter house as directed by and in a manner satisfactory to the Commissioner of Works for York.

4. North York shall pay to York at the rate of 20 cents per 1000 imperial gallons, payable quarterly for the water supplied, and the amount charged for the water shall be paid forthwith upon receipt from York of an account therefor. The price now paid by York for water purchased from the City of Toronto is a net price of 16 cents per thousand imperial gallons. It is agreed that should this price at any time hereafter be increased or decreased that the price charged by York to North York for its supply of water hereunder shall be increased or decreased at the same rate per thousand imperial gallons so that York shall at all times receive as compensation for the use of its mains and all services hereunder a rate of four cents per thousand imperial gallons more than is paid by York to the City of Toronto.

5. North York shall pay to York for such supply of water so metered in accordance with the quantity which the meter shall record; provided, that should the meter for any reason fail to record accurately or fail to record at all, the consumption is to be averaged and paid for by North York for such period of failure on the basis of the consumption for the three months preceding such failure, or the three months succeeding the time when such meter has been placed in proper and efficient working order as the Commissioner of Works for York shall determine.

6. The watermain, specials, hydrants, valves, meters and other appliances and appurtenances installed on the North York distribution system in the hereinbefore defined areas shall be in conformity with the standards of the City of Toronto, and North York shall before installing any distribution mains in the said areas submit the plans and specifications therefor to and receive the approval of the same by the Commissioner of Works for York; North York shall further notify the said Commissioner of Works whenever it finds it necessary to alter the grade of a street in the said areas in such manner that the watermain as laid will have a coverage of less than five feet six inches (5' 6").

7. It is agreed that York shall incur no expense or liability whatsoever in connection with the installation, repair, or maintenance of any part

of the waterworks distribution system of North York within the said areas.

8. North York hereby agrees to accept the water to be supplied under this agreement in such quantities and at such pressures and rates of flow and having such quality and content as may be provided by York. York reserves the right at any time and from time to time in its discretion to manipulate valves or anything connected with the water supply within the limits of the Township of York for its own better use or protection. In the event that the supply of water to North York shall for any reason be diminished, interrupted or cut off York shall be under no liability or obligation to North York for or by reason thereof; and North York hereby agrees to indemnify and save harmless York from any and all claims, actions, suits and demands whatsoever or howsoever arising out of or by reason of any failure or diminution in the supply of water, or the pressure at which water is supplied or by reason of the quality or content of the water or from any other cause whatsoever.

9. North York hereby covenants and agrees with York that it will upon receipt of a request in writing from the Commissioner of Works for York proceed as rapidly as possible thereafter with the construction of water storage facilities to be connected with the water distribution system within the said defined areas for the purpose of assisting in meeting the demands for the supply of water at peak periods; such storage facilities to be constructed at the expense of North York and in accordance with plans and specifications approved by the Commissioner of Works for York.

10. North York hereby covenants and agrees with York that it will not suffer or permit any of the supply of water obtained under the provisions of this agreement to be used for any purpose other than to serve lands and premises within the hereinbefore described areas; and that all water so supplied save that used for fire protection or other municipal purposes shall be sold and distributed by North York to its consumers in the areas on a basis of measurement by meter on each service.

11. North York hereby covenants and agrees with York that it will not suffer or permit any person, firm or corporation owning or occupying any land or building in the portions of North York designated herein as Area "B" to use water supplied under this agreement for fire protection purposes or for charging or supplying sprinkler systems in its plants or buildings or for any other purpose not authorized under the terms of Paragraph 1 (b) of this agreement and North York hereby covenants to indemnify York from and against all loss costs damages claims suits and actions which may arise or be made by reason or arising out of the use of water for any purpose not authorized under the terms of this agreement.

12. In the event of any differences arising between the Parties hereto which cannot be settled by mutual agreement then the same shall be referred to the Ontario Municipal Board as arbitrator and the decision of the said Board on any such application shall be final and not subject to appeal.

13. In the event of default by North York in any of the provisions covenants and agreements contained herein, and in the event that North York shall fail to remedy any such default within thirty days after receiving written notice thereof from York, then North York shall cease to have any further rights to a supply of water under the provisions of this agreement.

14. North York hereby agrees to use its best endeavours to have this agreement ratified and confirmed by legislation at the 1946 Session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate Seals, attested by the hands of their proper officers on that behalf on the day and year first above written.

THE CORPORATION OF THE TOWNSHIP
OF YORK

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE CORPORATION OF THE TOWNSHIP
OF NORTH YORK

GEO. H. MITCHELL,
Reeve.

F. H. BROWN,
Acting Clerk.

SCHEDULE C

COMMENCING at a point in the Easterly boundary of the Corporation of the City of Toronto where the same is intersected by the North limit of Township Lot Number 6, Concession 1, East of Yonge Street, Township of North York; thence in an Easterly direction along the North limit of Block A, Plan 2385, to a point in the West bank of the Don River, which point is the North-easterly angle of Lot 183, Plan 1858; thence in a Southerly direction along the Easterly limits of Lot 183, Plan 1858 and Lots 47 and 48 and Block B, Plan 2335, to the point of the intersection of the Westerly limit of Bayview Avenue with the Don River; thence in a Southerly direction along the Westerly limit of Bayview Avenue to the South limit of Township School Area Number 1 (which is the Northerly limit of Township Lot Number 5, Concession 1, East of Yonge Street); thence westerly along the South limit of Township School Area Number 1 to a point in the Northerly limit of Lawrence Avenue where the same is intersected by the Easterly boundary of the Corporation of the City of Toronto; thence northerly along the said Easterly boundary of the said City to the place of beginning.

CHAPTER 131.

An Act respecting The Ontario Music Teachers' Association.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS The Ontario Music Teachers' Association ^{Preamble.} has by its petition prayed that an Act of the Assembly be passed for the purpose of incorporating the same a body corporate and politic under the name "The Ontario Registered Music Teachers' Association" with the right to hold real and personal property and to pass by-laws governing the management of its property, the government and discipline of its members and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The Association.

1. The members of The Ontario Music Teachers' Association and such other persons as may hereafter become members ^{Incorporation.} of the Association are hereby constituted a body corporate and politic under the name "The Ontario Registered Music Teachers' Association", herein referred to as the "Association".

2.—(1) The Association may acquire and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require. ^{Power to hold real and personal property.}

(2) All fees, fines and penalties receivable or recoverable ^{Fees, fines, etc.} under this Act shall belong to and be the property of the Association.

3. The Association may pass by-laws not inconsistent ^{By-laws.} with this Act for:

(a) the government and discipline of its members;

(b) the management of its property;

(c)

- (c) the setting up and keeping of a register of its members and the admission of members, including the admission of duly qualified persons who have presented degrees, diplomas or certificates of proficiency from approved institutions for the training of teachers of music, or who have, in lieu thereof, passed such examinations as may be prescribed under the authority of this Act and met satisfactorily such other tests as may be so prescribed;
- (d) the recognition and affiliation with the Association of local societies or associations composed of members of the Association on such terms as may be specified in the by-laws;
- (e) such other purposes as may be necessary for the management and operation of the Association and the conduct of its affairs.

The Council.

Composition
and election.

4.—(1) The affairs of the Association shall be under the management of a Council composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.

Voting.

(2) The election of the Council and all other questions voted on at a meeting of the Association shall be decided by a plurality of the votes of the members present and entitled to vote; or in such other manner as may be provided by the by-laws.

Term of
office.

5. The members of the Council shall remain in office for the period fixed by the by-laws of the Association and shall continue in office until their successors are elected.

Vacancies.

6. In case of a vacancy in the Council through the resignation or death of a member, or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.

By-laws,
rules and
regulations.

7.—(1) The Council may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Association, its management, government, aims, objects and interests, including:

- (a) registration of members and the issue of registration certificates;
- (b) the appointment, functions, duties and removal of employees

employees or servants of the Association, and their remuneration;

- (c) the time at which and place where the annual meeting of the Association shall be held;
- (d) the amount of and method of collecting the registration fee and the annual fee to be paid by members;
- (e) the suspension and expulsion of members and removal of names of expelled members from the register;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and a board of examiners and prescribing the duties thereof; and
- (h) the conduct in all other particulars of the affairs of the Association.

(2) Such by-laws, rules and regulations, unless confirmed by a general meeting of the Association duly called for the purpose, shall have force only until the next annual meeting following their approval, and in default of confirmation thereat shall be null and void.

Officers.

8. The officers of the Association shall be such as are determined by the by-laws of the Association and shall be elected by the Council from among its members, except that a secretary, a treasurer, and a registrar or a secretary-treasurer and a registrar may be appointed by the Council from outside the membership of the Association.

Membership.

9.—(1) All persons of good character resident in Ontario who on the day upon which this Act comes into force are in good standing as members of The Ontario Music Teachers' Association or any affiliated local society or association shall be admitted to the register and shall constitute the membership of the Association.

(2) Except as provided in subsection 1, no person shall be entitled to be registered as a member of the Association unless he or she,

- (a) is over eighteen years of age;
- (b) has resided in Ontario for at least six months immediately prior to making application for membership;

(c) holds a diploma equivalent to at least that of the associate or licentiate grade issued by the Toronto Conservatory of Music; the McGill University Conservatorium of Music; Western Board of Music; Western Ontario Conservatory of Music; any one of the Royal Schools of Music, London, England; Associated Board of the Royal Schools of Music, London, England; Trinity College, London, England; the Canadian College of Organists; or any university or school of music recommended by the Council of the Association and approved in such manner as the by-laws may prescribe; or

(d) has been teaching music in a professional capacity and under conditions satisfactory to the board of examiners for at least two years, or has passed such tests and examinations and satisfied such conditions as to teaching experience as may be required by the board of examiners.

Applications
for
registration.

(3) Applications for registration shall be made in writing to the Association and shall be accompanied by the registration fee fixed by the by-laws or regulations of the Association.

Examining
Board.

10. All examinations, tests, recognition of certificates and diplomas and matters pertaining thereto shall be conducted and determined by the board of examiners subject to such approval as the by-laws may prescribe.

Miscellaneous.

Use of
designation.

11. Every person registered under this Act shall, so long as his or her name remains on the register, be entitled to use the designation "Registered Music Teacher" or the abbreviation "R.M.T." and any unregistered person who assumes such designation or title or uses the abbreviation "R.M.T." or in any manner represents that he or she is a registered music teacher, or who by false or fraudulent declaration or statement attempts to procure registration under this Act, shall be guilty of an offence and liable to a penalty not exceeding \$25 for each offence recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Continuity
of office
and of
by-laws,
rules and
regulations.

12. The Council of The Ontario Music Teachers' Association as constituted on the day upon which this Act comes into force and all officers of that Association shall continue in office until the first general meeting of the Association, and all by-laws, rules and regulations of The Ontario Music Teachers' Association shall, except in so far as the same are inconsistent with this Act, continue in full force and effect

until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.

13. This Act shall come into force on the day upon which Commence-
ment of Act it receives the Royal Assent.

14. This Act may be cited as *The Ontario Registered Music Teachers' Association Act, 1946.* Short title.

CHAPTER 132.

An Act respecting the Town of Orillia.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Town of Orillia has Preamble.
by its petition prayed for special legislation in respect
of the addition of certain water-power developments to its
hydro-electrical system and to validate by-law number 1842
granting an exclusive bus transportation franchise to Derlyn
K. Valley; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) All the powers now possessed by the Corporation
of the Town of Orillia as to the acquisition of lands and water
powers and the construction, purchase, maintenance and
operation of works, plant and equipment of all kinds for the
development of water powers and for the generation and
transmission of electrical power or energy, are hereby extended
and enlarged so as to authorize the said Corporation to exer-
cise such powers in the Townships of Oakley, McLean and
Draper. Water power
development
powers
extended.

(2) The powers conferred by subsection 1 shall not be exer-
cised in such manner as may interfere with or affect adversely
the operation or water control of The Hydro-Electric Power
Commission of Ontario at or for its present developments on
the south branch of the Muskoka River and the Musquash
River. No inter-
ference with
Hydro Com-
mission
develop-
ments.

2. It shall be lawful for the Corporation of the Town of
Orillia, its servants, agents and workmen from time to time
and at such times as they shall see fit, and they are hereby
authorized and empowered to enter into and upon such streets,
roads, highways, lanes, or other passages and lands of the
Corporations of the Townships of Oakley, McLean, Draper
and Ryde as may be necessary, and the same to cut and dig
up if necessary, and to lay down pipes, erect poles and wires
and do other works necessary for the supplying, furnishing
Right to
enter, etc.

and transmitting of the said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said Townships doing as little damage as may be in the exercise of such powers.

Approval of
electors and
Municipal
Board.

3.—(1) Before the Corporation of the Town of Orillia commences the construction of any works authorized by section 1, a by-law authorizing the undertaking shall be submitted to the electors of the Town entitled to vote on money by-laws, and shall be approved by a majority of the electors voting thereon, and the said by-law authorizing the undertaking may be combined with a by-law authorizing debentures therefor; provided that at least one week before any such by-law is voted upon the said Corporation shall have received a general approval of the undertaking by the Ontario Municipal Board.

Acquisition
of lands.

(2) Nothing in subsection 1 contained shall require the said Corporation to obtain the assent of the said electors or the approval of the said Board to the acquisition of the real property and other rights required for the development of water power in the said Townships if the cost of such acquisition is not to be provided by an issue of debentures of the said Corporation.

Power to
issue
debentures.
Rev. Stat.,
c. 266.

4. Subject to the approval of the electors and to the provisions of *The Municipal Act*, the Corporation of the Town of Orillia is hereby authorized and empowered to borrow from time to time upon debentures such money as may be required for the purpose of making extensions or additions to or improvements in its works, plant and equipment for the development of water powers, and the generation, transmission and distribution of electrical power or energy, and may upon any future issue of debentures made for the borrowing of money to acquire new or additional works, plant or equipment secure such debentures by a charge or lien upon the new or additional works, plant, or equipment to be acquired with the proceeds of such debentures.

Power to
flood road
allowances.

5. It shall be lawful for the Corporation of the Town of Orillia to flood any road allowance that may be required to be flooded in the full development of the said water power upon condition that a convenient and suitable public highway is provided by and at the expense of the said Corporation in lieu of any public highway at present opened, established and in actual use that may be so flooded.

Mathiasville,
Crozier Falls
and Cook's
Falls deve-
lopment
authorized.

6.—(1) It is further declared that the Corporation of the Town of Orillia shall be entitled to develop water power at Mathiasville in the Township of Draper, at Crozier Falls in the Township of Oakley, and at Cook's Falls in the Township

of McLean, to the full capacity of the development possible at these points, and to flood such lands as it may be necessary to flood in connection with such development, provided due compensation is made for any damages suffered by the owners of lands affected by such flooding.

(2) The powers conferred by subsection 1 shall not be exercised in such manner as may interfere with or affect adversely the operation or water control of The Hydro-Electric Power Commission of Ontario at or for its present developments on the south branch of the Muskoka River and the Muskquash River.

No interference with Hydro Commission developments.

7. By-law number 783 of the Corporation of the Township of Draper, by-law number 506 of the Corporation of the Township of Oakley, by-law number 688 of the Corporation of the Township of McLean and by-law number 405 of the Corporation of the Township of Ryde, set out as schedules A, B, C and D hereto, respectively, are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof, respectively.

By-laws validated.

8. Nothing in this Act shall affect the application of *The Lakes and Rivers Improvement Act* or the rights of His Majesty in right of the Dominion of Canada.

Saving.
Rev. Stat., c. 45.

9.—(1) The council of the Corporation of the Town of Orillia may create a contingent fund by setting aside from year to year as the said council may decide, an amount from the net annual profits of the Orillia power plants, not to exceed fifty per centum of the said profits and not to exceed \$15,000 in any one year, to provide for renewals, repairs or extensions to the said plants.

Contingent fund authorized.

(2) The said Council may from time to time, with the approval of the Ontario Municipal Board, draw such amount from the said contingent fund as may be required for the said purposes.

Power to draw upon contingent fund.

10.—(1) By-law number 1842 passed by the council of the Corporation of the Town of Orillia on the 14th day of January, 1946, relating to the granting of an exclusive transportation franchise for bus service within the limits of the Town of Orillia to Derlyn K. Valley, set out as schedule E hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act: and the council of the said Corporation is hereby authorized and empowered to pass such other by-laws and to enter into such agreements

Transportation franchise validated.

including the agreement mentioned in the said by-law number 1842, and to do all such other acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said by-law number 1842 and agreement, and do any and all acts, matters or things that may be necessary to secure to the said Derlyn K. Valley an exclusive transportation franchise for bus service within the limits of the Town of Orillia as provided in the said by-law number 1842.

Saving.

(2) Nothing in the said by-law number 1842 or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Rev. Stat.,
c. 289.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Town of Orillia Act, 1946*.

SCHEDULE A

BY-LAW NUMBER 783 OF THE TOWNSHIP OF DRAPER

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Draper to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper, for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF DRAPER by its Council enacts as follows:

1. The Municipal Corporation of the Township of Draper doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the northeasterly angle of Draper Township, Muskoka District, Province of Ontario; thence in a southerly direction along the Purbrook Fraserburg Road between the Townships of Draper and Oakley to the road allowance between Concessions 9 and 10; thence along the Mathiasville Purbrook Road, being the road allowance between Concessions 9 and 10 to the line between Lots 18 and 19; thence in a southerly direction along the Mathiasville Purbrook Road on Lot 18, in Concessions 9, 8, 7, 6, to the road allowance between the 5th and 6th Concession, this road being known as the Peterson Road; thence westerly along the road allowance between the 5th and 6th Concession to the side road between Lots 5 and 6 at McLean's Corners; thence southerly along the side road on Lots 5 and 6 in Concessions 6, 5, 4, 3, 2, and 1 to the road allowance between the Townships of Draper and Ryde; thence along the road allowance between Draper and Ryde Townships across Lot 3 to a road known as the Gravenhurst Housey Rapids Road."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right

is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon high-ways in the Township of Draper shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Draper against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distributions lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

R. W. MORROW,
Reeve.

(Seal)

A. Y. ASHLEY,
Clerk.

SCHEDULE B

BY-LAW NUMBER 506 OF THE TOWNSHIP OF OAKLEY

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Oakley to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Oakley for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Oakley and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF OAKLEY by its Council enacts as follows:

1. The Municipal Corporation of the Township of Oakley doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at a point on the westerly side of the Muskoka River where the old Fraserburg Baysville Road intersects with the road allowance of McLean and Oakley Townships at Lot 31, Concession 14, Oakley Township, District of Muskoka, Province of Ontario; thence westerly along the road allowance between McLean and Oakley Townships to the Bracebridge Purbrook Road, said road being on a line between Oakley and Draper Townships; thence along the road allowance and present travelled road between Oakley and Draper Townships in Concessions 14, 13, 12 and 11 to the Muskoka River."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation

from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Oakley shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Oakley against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

JAMES HENDERSON,
Reeve.

(Seal)

MAY ELLIOTT,
Clerk.

SCHEDULE C

BY-LAW NUMBER 688 OF THE TOWNSHIP OF McLEAN

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of McLean to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of McLean for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of McLean, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF McLEAN by its Council enacts as follows:

1. The Municipal Corporation of the Township of McLean doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the westerly side of the Muskoka River on the old Fraserburg Baysville Road at a point where the line between Lots 30 and 29 intersect with a blind line between the 3rd and 4th Concessions of McLean Township, District of Muskoka, Province of Ontario; thence in a southerly direction on the above described road between Lots 30 and 29 in the 3rd Concession to a point on the road allowance between the 3rd and 2nd Concessions; thence along the river road in the 2nd Concession southwesterly across Lots 30, 31 and part of 32; thence south across the 1st Concession on Lots 31 and 32 to the road allowance between the Townships of McLean and Oakley; thence in a westerly direction along the road allowance between McLean and Oakley Townships across Lot 32 to the Bracebridge Purbrook Road at the southwesterly angle of McLean Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of McLean shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of McLean against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 25th day of January, A.D. 1946.

NORMAN A. KELLY,
Reeve.

(Seal)

GEO. ELLIS,
Clerk.

SCHEDULE D

BY-LAW NUMBER 405 OF THE TOWNSHIP OF RYDE

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Ryde to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF RYDE by its Council enacts as follows:

1. The Municipal Corporation of the Township of Ryde doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers, and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the Gravenhurst Housey Rapids Road where the road allowance between Draper and Ryde Townships intersect with the side road of Lots 25 and 26, Township of Ryde, District of Muskoka, Province of Ontario; thence southerly along the side road between Lots 25 and 26 in Concessions 13, 12, 11, 10, 9, 8, 7 and 6 to the northeasterly angle of Lot 26, Concession 5; thence in a south-westerly direction along the present road allowance in the 5th Concession across Lots 26, 27 and 28 in the 4th Concession, on Lots 29 and 30 in the 3rd Concession, Lots 29 and 30 of the 2nd Concession, Lot 30 in the 1st Concession to the southwest angle of Ryde Township and the northwest angle of Dalton Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia

Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Ryde shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Ryde against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 28th day of January, A.D. 1946.

J. E. CLEMENT,
Reeve.

(Seal)

B. D. SMITH,
Clerk.

SCHEDULE E

BY-LAW NUMBER 1842 OF THE TOWN OF ORILLIA

RESPECTING THE GRANTING OF A BUS FRANCHISE

WHEREAS the Town of Orillia up to date has had no Town bus transportation system operating solely within its Corporated limits.

AND WHEREAS Derlyn K. Valley, hereinafter called the Company, has requested the Corporation to grant to him an exclusive transportation franchise for bus service within the limits of the Town of Orillia, and has agreed that in the event of such franchise being granted to him, he will within six months, after the By-law granting such franchise comes into effect, commence operations as outlined below.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Orillia as follows:

1. That, subject to the agreements, obligations, terms and conditions hereinafter contained, the Council of the Corporation hereby grant to the Company an exclusive transportation franchise for bus service within the limits of the said Town of Orillia for the term of ten years from and after the date when this By-law takes effect.

2. The Company shall provide a modern and efficient passenger bus transportation system, including everything pertaining to it and its operations and shall at all times during the term of this agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service.

3. The Company shall purchase or obtain for said bus service at least four new modern rear engine buses of the Ford type 29-B or some other make with similar or better specifications which shall at all times be available for said bus service. Of said available buses, at least three are to operate at all times during the currency of this franchise or any extension thereof. The Company shall before operating any buses under the authority of this By-law obtain from the Town of Orillia a license in respect of each bus and shall pay therefor a fee of Ten Dollars per annum. and the Company shall at all times comply with the terms and conditions of any by-law relating to the owners of motor omnibuses thereof (except as otherwise expressly provided herein) which may be passed by the Municipal Council of the Corporation.

4. The Company shall, when this by-law takes effect, assign to the Corporation whatever interest the Company have or may at any time hereafter have in any refund from gasoline tax payable or paid to the Province of Ontario or the Dominion of Canada, and will join in, or make any application for such refund that the Corporation may from time to time request, provided that such application shall be made at the expense of the Corporation.

5. The Company agrees with the Corporation to operate a minimum twenty-minute service on all routes operated and will provide such service between the hours of Six a.m. and Twelve p.m. each day except Sundays and Holidays.

6. The Company will submit to the Corporation within two months of commencing operation a permanent schedule to be approved by the Council of the Corporation. After such schedule has been approved, the Company may not reduce the service provided by the same without the consent of two-thirds of all elected members of the Council.

7. This by-law shall not apply to the operation of motor buses or other vehicles running between any point within the Town of Orillia and

cities, towns and villages, whether incorporated or unincorporated, outside the limits of the said Town of Orillia, so long as such motor buses or other vehicles do not convey passengers from one point within the limits of the Town to another point therein. Provided also that this by-law shall not apply to the operation of motor buses or other vehicles during any and all times that the Company is prevented from regularly operating in accordance with the terms of this by-law, or neglects or fails to regularly operate in accordance with the terms of this by-law all or any motor on all or any of their lines for more than one day, and that this by-law shall not apply at any times to cabs or taxicabs or to vehicles licensed by the Department of Public Highways or vehicles over which the Council of the Corporation has no control.

8. The following fare schedule shall apply to the operation of the bus lines:

Adult tickets—10c cash or four (4) tickets for 25c.

Children tickets—under sixteen years of age—5c cash or eight (8) tickets for 25c.

Infant child in arms and not occupying a seat—free.

Police constables in the employ of the Town of Orillia shall be entitled to ride free when in uniform.

9. Free transfers will be given from one bus to another upon one continuous no stop-over trip within the Town limits on the most direct route where such transfers are necessary to enable passengers to reach their destination.

10. The provisions of *The Arbitration Act* of Ontario or any similar Act at any time substituted for or taking the place of such Act, shall apply, except insofar as varied by the Terms of this Indenture, to any submission to arbitration under the terms hereof; one arbitrator shall be appointed by each party hereto and a third shall be appointed by such arbitrators and if they cannot agree then such third arbitrator shall be appointed by a judge under the provisions of the said Act. Any decision or award made by a majority of such arbitrators shall with reference to matters properly submitted to them under the provisions of this Indenture, be conclusive and binding on the parties hereto.

11. The foregoing rates of fare are based on present day money values with reference to cost factors entering into the operation of said bus system, and when there has been a substantial decrease in the purchasing value of the dollar may be increased from time to time by agreement or if any agreement in respect to any of such matters cannot be reached between the parties then each and all of them shall be determined by arbitration as provided in paragraph 10, provided in such arbitration no increase in such rates shall be awarded except the said arbitrators shall determine that by reason of the substantial decrease in the purchasing value of the dollar such factors have so increased the cost of operation of the said bus system as to be the cause of the Company being unable to operate the same with a reasonable profit, and such increase in such rates shall be adjusted proportionate to the decreased purchasing value of the dollar; and in like manner, if such cost factors are reduced there shall be a corresponding reduction in the rates of fare so as to at all times relate the rates of fare to the cost factors aforesaid prevailing at the date hereof. No arbitrations shall be applied for hereunder by either party less than one (1) year after a former arbitration has been commenced, and any order or award made by a Board of Arbitration under the terms of this paragraph shall be conclusive and binding on the parties hereto until further changed by agreement or arbitration.

12. Upon an application being made by the Company or the Corporation under previous paragraph hereof, the Corporation shall have the right, within thirty days after such application has been made, to have some one appointed at any time, and from time to time, to examine the books of accounts, vouchers, records, documents, balance sheets and all other papers or documents relating to the affairs of the Company, and to

take extracts therefrom, and no further action shall be taken with regard to the application until the said thirty days have expired.

13. In the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their bus system in substantial conformity with the provisions of this by-law (in reckoning the said days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not, shall be counted as one day) the Corporation by resolution of the Council thereof, may declare that all the privileges and rights which the Company have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and rescind the agreements relating thereto and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreements rescinded, or the Corporation may, at their option, from time to time, bring an action or actions in the Supreme Court of Ontario against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with the provisions of this by-law and/or any agreement entered into pursuant thereto, and the Court shall have full power and jurisdiction in the premises to enforce by injunction, mandamus or otherwise the due observance, performance and fulfilment by the Company and its officers and other persons of all the provisions of this by-law in which the residents of the municipality or the Corporation or any other person or corporation are interested.

14. The Company may, if they wish to do so, apply in writing to the Council of the Corporation for a renewal or extension of the franchise granted by this by-law, and such application shall be filed with the Clerk of the Council of the Corporation not later than six months prior to the expiry date of this Agreement, and such renewal or extension may be granted without submitting the question to the municipal electors.

15. The Corporation agrees that it will, at the next municipal election, place before the electors of the Town of Orillia a By-law to grant unto the Company an exclusive ten (10) year franchise for the operation of a bus transportation service in accordance with this Agreement, and in the event of it being necessary that such a by-law be validated, to permit the carrying out and fulfilment of this Agreement, the parties hereto shall join in an Application for such legislation as may be required and the cost thereof shall be borne jointly by the parties hereto.

16. The Company shall have the privilege, notwithstanding anything herein contained, of extending the service to suburban areas at any time during the term of this Agreement and of altering the schedules subject to approval of two-thirds of all the members of the Council, in such manner as to permit the giving of such suburban service providing the service within the Town limits shall not be unduly reduced or disturbed.

17. The Company may from time to time make rules and regulations governing the conduct of passengers on its buses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and its passengers or prospective passengers and upon approval thereof by the Municipal Council of the Corporation, such rules and regulations shall form part of this Agreement. A copy of such Rules and Regulations shall be filed with the Corporation forthwith after approval by the Council.

18. Rules and Regulations previously made may be amended from time to time with the approval of the Municipal Council of the said Corporation and amendments so approved shall forthwith be filed with the Corporation.

19. The Corporation shall, on the written request of the Company trim or cut the limbs and branches of trees growing on or near the streets of the routes over which buses are scheduled to travel, and such other places as may be deemed necessary, so that the buses be not scratched or otherwise damaged.

20. The Corporation agrees to take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of buses upon the streets in order that schedules may be maintained, and the Company agrees to change the place of any bus stop which in the opinion of the Council causes undue traffic congestion upon being notified in writing by the Mayor so to do.

21. The buses operated by the Company under the said Franchise shall stop at such stopping places on the bus routes in order to pick up or let off passengers, as the Company may select and the Municipal Council of the Corporation shall have the right to set aside for the purpose of bus stops, the places selected by the Company and shall designate same by proper signs, and the Company shall pay for the erection and maintenance of same.

22. The Corporation will enact and enforce or cause to be enacted and enforced proper by-laws and regulations to provide bus stops as aforesaid and for keeping such places clear of vehicles and obstructions of any kind.

23. If, at any time, complaint be made to the Corporation as to the condition of the said buses, or any of them, and in the opinion of the Municipal Council, as by its resolution expressed it desires an inspection to be made on which to base representations to the Company as to said conditions, the Engineer of the said Corporation or some other person appointed by Council may inspect the said buses and make such representations to the Company on behalf of the Corporation as to the Engineer or such other person may seem appropriate.

24. No liability shall attach to the Company if it is unable to operate by reason of Acts of God, war conditions or exigencies, weather, strikes, fires, riots or other circumstances beyond its control.

25. The Corporation will not grant or be a party to the granting of any rights to operate any street railway within the Town of Orillia or to operate other means of mass transportation equivalent or similar to the said bus transportation system contemplated hereunder and the term "mass transportation" as herein used shall be deemed to include what is generally known as the "jitney" form of public transportation.

26. At all times during the Franchise period of ten (10) years, the Company shall carry passenger liability insurance in the sum of at least Forty Thousand Dollars (\$40,000.00) in one accident and further insurance against property damage for at least Two Thousand Dollars (\$2,000.00).

27. If at any time the Company wishes to terminate this Franchise, it may do so on six months' written notice to the Corporation, and in such event, all rights and obligations hereunder shall cease. The Company may only so terminate upon proving by independent auditors that it is operating at a loss.

28. In the event of the Company wishing at any time to dispose of this Franchise, it shall give the Corporation six months' notice and the Corporation, or its nominee, shall have the privilege of acquiring it on the same terms and conditions as offered to anyone else.

29. Unless the context otherwise requires, all grants, undertakings, covenants and agreements herein contained shall be deemed to be effective only from the granting of the said bus franchise to the time it is terminated under the terms of this Indenture, and thereafter to the extent necessary to fully effect the termination of same on the terms and conditions in this Indenture set forth, and shall extend to, include, bind and enure to the benefit of the successors and assigns of the respective parties hereto.

30. The Company covenants and agrees to provide proper garage accommodations for any and all buses which it may own or use in providing the service aforesaid and covenants further that it will not at any time allow any buses or vehicles owned or operated by it to be parked or left on public streets when not in use.

31. On the termination of the said Franchise or any renewal or extension thereof other than termination by the Company or by a breach of the terms of this Agreement by the Company, the Town shall have an option to purchase from the Company and pay for, on a valuation basis as a going concern, as for immediate operation by the Town the complete business, plant, land, buildings, equipment, tools and materials (hereinafter referred to as said plant and equipment) owned and used by the Company solely in connection with and for the purpose of the operation and maintenance of the said bus system.

32. In arriving at the amount to be paid by the Corporation for the said plant and equipment as such going concern no consideration shall be had and no allowance shall be made in respect of the value of any right surrendered by the Company or the profit or loss accruing from the operation of said bus system or of its future or prospective earnings, and if said amount cannot be settled by agreement between the parties, same shall be settled by arbitration, as provided in paragraph ten (10) hereof.

33. Any termination of the said franchise or any renewal or extension thereof other than termination by the Company or by breach of the terms of this Agreement by the Company, shall not be effective nor shall said franchise terminate until the amount referred to in this paragraph has been settled between the parties by agreement and the Corporation has entered into a contract with the Company in form satisfactory to the Company to pay the same, with interest at such rate as may be agreed upon, within one (1) year from the date of entering into said contract, or if not so settled by agreement, until such amount is so determined and declared by arbitration as provided in paragraph 10 hereof, which determination and declaration fixing the price payable by the Corporation shall constitute a binding obligation upon the Corporation to make payment to the Company within the year from the date of said determination and declaration together with interest on the said amount from the date of such determination and declaration, at such rate as shall be established by the arbitrators in accordance with current rates of interest, then prevailing and on the Corporation entering into such contract or on such determination and declaration being given by the arbitrators the Company shall transfer and deliver said plant and equipment to the Corporation and the Corporation shall receive and take same over and thereupon such franchise shall terminate.

34. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless and until formally assented to by the Municipal Electors of the said Town of Orillia and confirmed and validated by an Act of the Legislature of the Province of Ontario as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding in the same manner and to the same extent as if set out at length in the said Act, nor unless and until accepted by the Company, within thirty days after this by-law takes effect, by an agreement, which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the Town Solicitor, and such agreement when so approved shall be executed under the seal of the Corporation by the Mayor and Clerk.

Read and passed a First time in Open Council this Sixth day of December, A. D. 1945.

Read and passed a Second time in Open Council this Sixth day of December, A.D. 1945.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

Read a Third time in Open Council and Finally passed this 14th day of January, A.D. 1946.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

CHAPTER 133.

An Act respecting the City of Ottawa.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Ottawa has ^{Preamble.}
 by its petition prayed for special legislation to amend
The City of Ottawa Act, 1941; and whereas it is expedient to ^{1941, c. 72.}
 grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, is amended by ^{1941,}
 striking out the words "expiration of six months after the ^{c. 72, s. 1,}
 issue of a Proclamation by the Governor-General of Canada ^{amended.}
 declaring that a state of war with the German Reich no longer
 exists" in the seventh, eighth, ninth and tenth lines, and
 inserting in lieu thereof the words and figures "1st day of Jan-
 uary, 1949", so that the said section shall now read as follows:

1. Notwithstanding the provisions of by-law number 7036 ^{Time for}
 passed by the council of the Corporation of the City ^{entry under}
 of Ottawa on the 5th day of January, 1931, and ^{by-law 7036}
 notwithstanding the order of the Ontario Municipal ^{extended.}
 Board dated the 8th day of July, 1937, the time for
 entry by the Corporation of the City of Ottawa on
 the lands expropriated under the said by-law num-
 ber 7036 shall be deferred until the 1st day of
 January, 1949.

2. This Act shall come into force on the day upon which ^{Commence-}
 it receives the Royal Assent. ^{ment of Act.}

3. This Act may be cited as *The City of Ottawa Act, 1946*. ^{Short title.}

CHAPTER 134.

An Act respecting the Town of Paris.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Town of Paris has Preamble.
 by its petition prayed for special legislation in respect
 of the purchase and management of the Paris Arena and to
 provide for the issue of debentures for \$8,000 to pay for the
 same; and whereas it is expedient to grant the prayer of the
 said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Power to
 Board, the council of the Town of Paris may pass proposed pass
 by-law number 1064, set out as the schedule hereto, being a proposed
 by-law to authorize the purchase by the Corporation of the By-law
 Town of Paris of the Paris Arena property and equipment from No. 1064.
 Paris Arena Limited and for the operation of the said Arena
 as a municipal enterprise and to provide for the borrowing of
 \$8,000 on debentures to pay the purchase price of the said
 Arena.

(2) The said proposed by-law number 1064, when duly Validation.
 passed and approved by the Ontario Municipal Board, shall be
 legal, valid and binding upon the Corporation of the Town of
 Paris and the ratepayers thereof.

2. This Act shall come into force on the day upon which it Commence-
 receives the Royal Assent. ment of Act.

3. This Act may be cited as *The Town of Paris Act, 1946.* Short title.

SCHEDULE

BY-LAW NUMBER 1064

Of the Municipal Council of the Corporation of the Town of Paris being a by-law to authorize the purchase by the said Corporation of the Paris Arena property and equipment from Paris Arena Limited and the operation by the said Corporation of same as a municipal enterprise and to provide for the borrowing of \$8,000.00 on debentures to pay the purchase price of same.

WHEREAS Paris Arena Limited, a Company duly incorporated under the laws of the Province of Ontario and having its head office in the Town of Paris, wishes to sell all its arena property, buildings and equipment known as the "Paris Arena";

AND WHEREAS the Municipal Council of the Corporation of the Town of Paris deems it expedient to purchase and operate said Arena as a municipal enterprise;

AND WHEREAS the said Paris Arena Limited has agreed to sell same to the said Corporation for the sum of \$8,000.00;

AND WHEREAS it will be necessary to borrow the sum of \$8,000.00 on the credit of the said Corporation and to issue debentures of the said Corporation therefor, bearing interest at the rate of three per centum per annum, which amount of \$8,000.00 is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of three years, in such amounts respectively that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise the annual sum of \$2,828.24 during the period of three years to pay the said principal money and interest as they become due;

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$2,409,140.00;

AND WHEREAS the amount of the existing debenture debt of the said Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$206,857.83 and no part of the principal or interest is in arrear;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Paris as follows:

1. That the Corporation of the Town of Paris purchase from said Paris Arena Limited the following lands and premises, namely: All and Singular that certain parcel or tract of lands and premises situate, lying and being in the Town of Paris, in the County of Brant and Province of Ontario and being composed of all of Lot Number Three, in Block Number Fifty-seven, according to the Plan of the said Town registered in the Registry Office for the Registry Division of the County of Brant as Number 492; together with all the buildings and appurtenances now erected thereon and all the equipment, fixtures, fittings, machinery, tools, furniture, supplies and effects now contained in the said buildings and/or situated on the said lands and premises for the sum of Eight Thousand Dollars (\$8,000.00).

2. That the said Corporation may manage and operate the property,

buildings and equipment aforesaid known as the Paris Arena as its Municipal Council may direct.

3. That the said sum of \$8,000.00 shall be used and expended for the purchase of same as aforesaid and for the said purpose there shall be borrowed on the credit of the said Corporation at large the sum of \$8,000.00 and debentures of the said Corporation shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of three per centum per annum and having interest coupons attached thereto for the payment of interest.

4. That the said debentures shall each bear the same date and shall be issued within two years from the day on which this by-law is passed and shall be dated on the day of issue thereof and may bear any date within such two years and the said debentures shall be payable in three annual instalments of the respective sums set forth in Schedule "A" hereto attached

5. That the said debentures as to both principal and interest shall be expressed in Canadian currency.

6. That the Mayor of the said Corporation shall sign and issue the said debentures and interest coupons and the same shall also be signed by the Treasurer of the said Corporation and the said debentures shall be sealed with the seal of the said Corporation.

7. That during the three years the currency of the said debentures the sum of \$2,828.24 shall be raised annually for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto attached and shall be levied and raised annually on all rateable property in the municipality.

8. That the debentures may contain any clause providing for the registration thereof, authorized by any Statute relating to municipal debentures at the time of issue thereof.

9. That the debentures issued under this by-law shall be redeemable at the option of the said Corporation at the office of the Treasurer of the said Corporation at the said Town of Paris on any date prior to maturity of the said debentures at the redeemable price of one hundred per centum of their face value together with accrued interest to the date set for redemption and such place of payment and such value at which such debenture may be so redeemed is to be specified in every debenture; provided that if only a portion of the debentures is to be redeemed the debentures to be redeemed shall be redeemed in reverse order of maturity and provided further that if part only of the debentures of any maturity is to be redeemed the debentures to be redeemed shall be selected by lot by the Treasurer of the said Town in such manner as he shall consider equitable; From and after the date set for redemption interest on the debentures shall cease to accrue and the debentures shall become due and payable on such date; Notice of the intention to redeem the said debentures shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book and notice of the intention to redeem the said debentures shall be advertised by the said Corporation in the newspaper published in the said Town of Paris and in the Ontario Gazette and such advertisement shall appear in the newspaper and the Ontario Gazette at least thirty days prior to the date fixed for redemption; Such advertisement shall specify the date set for such redemption, the price of redemption and the redemption price thereof and shall state that from and after the date set for such redemption the interest on the debentures shall cease to accrue and that the debentures shall become due and payable on such date; The debentures when redemption takes place as aforesaid shall be cancelled forthwith.

10. That this by-law shall come into force and take effect on the day

of the passing thereof subject to its being approved by the Ontario Municipal Board and to its being assented to by the electors.

READ a first time this 7th day of February, 1945.

READ a second time this 7th day of February, 1945.

JOHN P. McCAMMON,
Mayor.

WM. J. HAGGETT,
Clerk.

READ a third time and passed this day of , 1945.

.....
Mayor.

.....
Clerk.

Schedule "A"

Number	Interest	Principal	Total
1	\$240.00	\$2,588.24	\$2,828.24
2	162.35	2,665.89	2,828.24
3	82.37	2,745.87	2,828.24
		<u>\$8,000.00</u>	

CHAPTER 135.

An Act respecting the City of Port Arthur.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Port Arthur ^{Preamble.} has by its petition represented that the lands described in certain tax deeds, hereinafter mentioned, were intended to cover and include the whole of Lots 2 and 3, North Water Street, according to the Town plot of Prince Arthur's Landing, now Port Arthur, but the descriptions thereof in the said tax deeds give rise to some doubt and uncertainty; and whereas the Corporation desires to remove such doubt and uncertainty and to have the said lots vested in the Corporation in fee simple, free of encumbrances; and whereas the Corporation has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Registered tax deed No. 2461-B for Port Arthur B <sup>Tax Deed
No. 2461-B
amended.</sup> shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: namely, commencing at the South-westerly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the North-westerly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement" instead of the description actually set out in the said tax deed.

Tax Deed
No. 4375-B
amended.

(2) Registered tax deed No. 4375-B for Port Arthur B shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2) North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: being the whole of the said Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, save and except that portion thereof more particularly described as follows: namely, commencing at the Southwesterly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the Northwesterly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement", instead of the description actually set out in the said tax deed.

Tax Deed
No. 3875-B
amended.

(3) Registered tax deed No. 3875-B for Port Arthur B shall be read and construed as if at the time of the execution and delivery thereof and at the time of the registration thereof the description set forth therein was as follows: "the whole of Lot Three (3), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur" instead of the description actually set out in the said tax deed.

Lots 2 and 3.
North
Water St.
vested in
Corpora-
tion.

(4) Lots 2 and 3, North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, are hereby declared to be vested in the Corporation of the City of Port Arthur, in fee simple, free of and clear from all right, title and interest whatsoever of any other person, firm or corporation whomsoever and free and clear of all charges and encumbrances thereon.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Port Arthur Act, 1946*.

CHAPTER 136.

An Act to incorporate the Religious Hospitallers of
St. Joseph of Hotel Dieu of the Roman
Catholic Archdiocese of Toronto
in Canada.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Religious Hospitallers of St. Joseph of ^{Preamble.}
Hotel Dieu of the Roman Catholic Archdiocese of
Toronto in Canada have by their petition represented that a
religious community of Roman Catholic ladies has existed for
many years in the Roman Catholic Archdiocese of Kingston,
in Ontario, the said community having been incorporated
under an Act entitled *An Act to Incorporate the Sisters of* ^{1868, c. 60.}
l'Hotel Dieu for the Diocese of Kingston in the Province of On-
tario, being Chapter 60 of the Statutes of Ontario, 1868;
and whereas the said community is desirous of establishing
a separate community in the Roman Catholic Archdiocese of
Toronto for the reception and instruction of orphans, the
relief of the poor, the sick and other necessitous and other
charitable works and also for the establishment and conduct
by the said community of monasteries and public hospitals
at the City of St. Catharines and elsewhere in the Arch-
diocese of Toronto; and whereas the said community has
by its petition prayed that it may be incorporated; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Sadie Kennedy, known in religion as Sister Mary ^{Incorporation.}
Immaculate, Catherine Brennan, known in religion as Sister
St. Catherine, and Veronica Callaghan, known in religion as
Sister Callaghan, being three professed nuns of the community,
and such other persons as shall become members of the com-
munity and their successors in the community are hereby
constituted a body corporate and politic under the name of
The Religious Hospitallers of St. Joseph of Hotel Dieu of the
Roman Catholic Archdiocese of Toronto in Canada and by
that name shall have perpetual succession and a corporate
seal and may under that name sue and be sued and shall have

all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects, purposes and business of the corporation.

Head office.

(2) The head office of the corporation shall be at the City of St. Catharines in the Province of Ontario.

Corporate seal.

2. The corporation shall have power from time to time to alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to hold property, etc.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal estate situated and being within the limits of the Roman Catholic Archdiocese of Toronto in Ontario and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose; provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation.

No expropriation.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat., c. 147.

Investment of funds.

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of such property as it may dispose of in public securities of the Province of Ontario, mortgages or other approved trustee securities for the use of the corporation.

General powers.

6. Without limiting the generality of the powers hereinbefore conferred upon the corporation, it is also hereby empowered to establish, erect, equip, maintain, conduct, administer and develop monasteries, hospitals, schools for nurses

and nurses' aides, schools for orderlies and orderlies' aides, convalescent homes, orphanages, homes for the aged and poor, homes for girls and houses of refuge, with all the works and services pertaining thereto and to borrow money thereon or upon the credit of the corporation at the City of St. Catharines and elsewhere within the limits of the Roman Catholic Archdiocese of Toronto in the Province of Ontario, the whole in compliance with *The Public Hospitals Act*, the regulations in force from time to time thereunder and all other laws of the Province of Ontario in force from time to time relating thereto.

7. The annual net revenue received by the corporation from the lands, tenements or interest therein held by it in Ontario for revenue purposes only shall not exceed \$400,000.

8.—(1) All the affairs of the corporation shall be administered by the Council, consisting of the Mother Superior of the community at St. Catharines and not less than two and not more than four professed nuns of the community residing in St. Catharines and holding offices in the corporation.

(2) Three members of the Council shall constitute a quorum and all matters shall be decided by the vote of the majority of the members of the Council then present, provided that in the event of a tie the Mother Superior shall have an extra or casting vote.

9. The officers of the corporation shall be the following in order of their rank, the Mother Superior, the Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar and the persons holding these five offices from time to time shall constitute the Council of the corporation, provided that the first Council shall consist of the incorporators above mentioned namely, Sadie Kennedy, known in religion as Sister Mary Immaculate, Catherine Brennan, known in religion as Sister St. Catherine and Verónica Callaghan, known in religion as Sister Callaghan, who shall hold office until their successors are appointed.

10. The Mother Superior shall hold office for three years from the date on which this Act receives the Royal Assent and thereafter shall be elected by the members of the corporation every three years for a term of three years. The same nun may be re-elected as Mother Superior for a second consecutive term of three years after the conclusion of which such nun shall not be eligible for further re-election as Mother Superior until after the lapse of an interval of one year after the end of her second term.

11. The Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar shall hold office for one year after the date on which this Act receives the Royal Assent and there-

after shall be elected annually by the members of the corporation and each of such officers may hold office for six consecutive years. At the end of six consecutive years as such officer such nun shall not be eligible for re-election until after the lapse of one year following the end of her sixth term.

Where
offices may
be held by
the same
person.

12. The office of Mother Superior and Bursar shall not be held by the same person, but in other cases one nun may hold more than one office.

First
officers.

13. The following shall be the first officers of the corporation and shall hold office for the periods hereinafter set forth following the date on which this Act receives the Royal Assent and until their respective successors are duly elected:

Mother Superior—Sadie Kennedy, known in religion as Sister Mary Immaculate—three years.

Assistant—Catherine Brennan, known in religion as Sister St. Catherine—one year.

Bursar—Veronica Callaghan, known in religion as Sister Callaghan—one year.

Provision
for the
first year.

14. During the first year after the date on which this Act receives the Royal Assent, the Chapter of the corporation may elect the Assistant or the Bursar or any other member of the corporation to act as Mistress of Novices or Chief Hospitaller or both Mistress of Novices and Chief Hospitaller.

Execution
of docu-
ments.

15. All deeds, conveyances, assignments, mortgages, statutory and other discharges of mortgages and other documents of title or documents borrowing money upon or pledging the credit of the corporation shall be executed on behalf of the corporation by the Mother Superior and by the other members of the Council of the corporation holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize, and shall bear the corporate seal of the corporation.

Powers and
duties of
Mother
Superior.

16. The Mother Superior shall be the senior officer of the corporation, shall decide all matters relating to religion, policy and discipline and she, with the assistance of the Bursar, shall have charge of all the ordinary business of the corporation.

Powers and
duties of
Bursar.

17. The Bursar shall have charge of the current outlays and expenses and the current revenues of the corporation but may not incur any unusual or extraordinary expense without the knowledge of the Mother Superior, to whom the Bursar shall render a monthly account of the expenses and revenues of the corporation in the presence of the other members of the Council.

18. The Chapter of the corporation shall consist of the Chapter. Mother Superior, the other members of the Council and all the other members of the corporation residing in the Roman Catholic Archdiocese of Toronto in Ontario.

19. Once a year before the election of officers the Mother Annual reports. Superior shall call a meeting of the Chapter at a time and place to be fixed by her and on such notice to the members as she considers proper and at such meeting the Mother Superior and the Bursar shall give an account of the receipts and expenditures and the disbursements and revenues of the corporation during the previous year and a report on the financial condition of the corporation and of the community at the time.

20. The Mother Superior shall have custody of the cor- Custody of seal. porate seal of the corporation.

21. All contracts, leases, distress warrants, agreements, Execution of contracts, etc. promissory notes, cheques, drafts, bills of exchange and all documents other than documents of title or documents pledging the credit of the corporation shall be executed or endorsed on behalf of the corporation by the Mother Superior and by one other member of the Council holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize.

22. The Council may, by a writing in specific terms, signed Delegation of powers of Council. by each of its members, delegate any of its powers from time to time and thereafter cancel such delegation or delegations from time to time and thereafter re-delegate and re-cancel as may be required from time to time.

23. The Mother Superior and the Council shall have power Power to pass by-laws. and authority to make and establish such by-laws, rules, orders and regulations not being contrary to this Act or The Public Hospitals Act and the regulations in force from time to time thereunder and not being contrary to the other laws in force in Ontario from time to time, as shall be deemed useful or necessary for the corporation and the conduct and administration of its hospitals and other works and business; and the Mother Superior and the Council may from time to time alter, repeal, amend and change such by-laws, rules, orders and regulations or any of them or those of the community in force at the time of the passing of this Act. Rev. Stat., c. 390.

24. The rents, revenues, and profits of all property, real Application of revenues. and personal, held by the corporation shall, subject to the limitations imposed by any specific trust respecting the same, be appropriated and applied by the corporation solely to the maintenance of the members of the corporation, the construc-

tion and repair of the buildings requisite for the purposes of the corporation, the operation, conduct and administration of the hospitals and other works of the corporation and the payment of expenses incurred or to be incurred by the corporation for objects legitimately connected with or depending on the purposes aforesaid.

Property
vested in
corporation.

25. All and every the estate and property, real or personal belonging to the members of the corporation and the community, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the corporation, and the by-laws, rules, orders and regulations now made or to be made for the management of the corporation shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

No personal
liability by
reason of
this Act.

26. Nothing herein contained shall have the effect or be construed to have the effect of rendering any of the persons mentioned herein, or any of the members of the corporation, or of the community, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the corporation, or for or on account or in respect of any matter or thing whatsoever relating to the corporation.

Additional
powers of
Mother
Superior
and
Council.

27. The Mother Superior and the Council shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, physicians, surgeons, technicians, nurses, teachers, orderlies and other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper in the opinion of the Mother Superior and the Council.

Commence-
ment of Act.

28. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

29. This Act may be cited as *The Religious Hospitallers of St. Joseph Act, 1946.*

CHAPTER 137.

An Act respecting the City of St. Catharines.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of St. Catharines Preamble.
has by its petition prayed for special legislation to confirm an order of the Ontario Municipal Board annexing parts of the Township of Grantham to the City of St. Catharines and to validate and confirm certain by-laws; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board dated the 10th day of October, 1945, set out as schedule A hereto, is hereby confirmed. Municipal Board Order No. P.F. B-3715 confirmed.

2. The said order shall have effect on and from the 1st day of January, 1946. Effective date.

3. The lands annexed to the City of St. Catharines, when added to the assessment rolls of the City of St. Catharines for the year 1945 pursuant to the said order, shall be assessed and all proceedings shall be taken under the provisions of *The Assessment Act* as if the lands had been entered upon the said rolls under the said Act, and when the assessments thereof have been revised and confirmed the said lands shall be liable to taxation in the year 1946 at the same rate as other lands in the City of St. Catharines. Assessment and taxation. Rev. Stat., c. 272.

4. By-law No. 5009 passed by the council of the Corporation of the City of St. Catharines on the 12th day of November, 1945, set out as schedule B hereto, by-law No. 5011 passed by the said council on the 26th day of November, 1945, set out as schedule C hereto, by-law No. 5025 passed by the said council on the 17th day of December, 1945, set out as schedule D hereto, and by-law No. 5038 passed by the said council on the 4th day of February, 1946, set out as schedule E hereto, being by-laws to authorize the purchase of certain lands and buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the Commissary Building situate in the Township of Grantham By-laws Nos. 5009, 5011, 5025 and 5038 validated.

from War Assets Corporation Limited, are hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of St. Catharines Act, 1946*.

SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Fifteenth day of August, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by the Corporation of the City of
St. Catharines for annexation to
the City of St. Catharines of parts
of the Township of Grantham.

UPON THE APPLICATION of the Corporation of the City of St. Catharines and upon reading its By-law No. 4974, passed on the 21st day of May, 1945 and its By-law No. 4980 amending said By-law No. 4974, passed on the 4th day of June, 1945 authorizing an application to this Board for an order annexing parts of the Township of Grantham to the City of St. Catharines, and it appearing that the Corporation of the Town of Merritton desires to annex to the Town of Merritton that part of the Township of Grantham described in said By-law No. 4980 of the City of St. Catharines, and it further appearing, as shown by a resolution of the Council of the Corporation of the City of St. Catharines that the said Council consents to the land described in said By-law No. 4980 being annexed to the Town of Merritton instead of to the City of St. Catharines, and upon hearing what was alleged by M. A. Seymour, K.C. counsel for the Corporation of the City of St. Catharines, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Municipal Building in the City of St. Catharines on the 15th day of August, 1945.

THIS BOARD DOTH ORDER AND PROCLAIM that those parts of the Township of Grantham, in the County of Lincoln, described in the Schedule hereto, be and the same are hereby annexed to the City of St. Catharines subject to the following terms and conditions, namely:—

1. That the said parts of the Township of Grantham, to be annexed to the City of St. Catharines, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the City of St. Catharines for the year 1945 upon which taxes will be levied in the year 1946.

2. That the lands and premises, in the Township of Grantham, assessed to Ethel C. Fox and occupied as the residence by the said Ethel C. Fox and Harold G. Fox shall be assessed, in the City of St. Catharines, up to and including the 31st day of December, 1955, for an amount not exceeding \$15,760.00.

3. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

4. That the Corporation of the City of St. Catharines shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of St. Catharines but the proceeds

of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the City of St. Catharines to the Corporation of the Township of Grantham within six months from the date of collection.

5. That the said lands shall form part of St. Andrew's Ward of the City of St. Catharines.

6. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands described in the Schedule hereto, including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the City of St. Catharines, SAVING AND EXCEPTING the rights of ownership of the said Corporation of the Township of Grantham in Lots Nos. 138, 265 to 271, both inclusive, 438 to 443 both inclusive, as shown on the Plan of the Glenridge Subdivision, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98, and part of Lot No. 17 in the Eighth Concession of the said Township more particularly described as follows: Commencing at the point of intersection of the southerly limit of the road allowance between Concessions 7 and 8 and the northerly limit of the right-of-way of the Canadian National Railways; thence easterly in and along the northerly limit of the right-of-way of the Canadian National Railways 360 feet to a point; thence northerly in a straight line to a point in the southerly limit of the said road allowance distant therein easterly 330 feet from the place of beginning; thence westerly in the southerly limit of the said road allowance 330 feet to the place of beginning.

7. That the Corporations of the City of St. Catharines, the Township of Grantham and the County of Lincoln shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order take effect on and from the 1st day of January 1946.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

Schedule.

1. That part of the Municipality of the Township of Grantham lying westerly of the Merrittville Stone Road (sometimes known as Glen Ridge Avenue) northerly of the right-of-way of the main line of the Canadian National Railway, and southerly of the southerly limit of the Municipality of the City of St. Catharines.

2. That part of the Municipality of the Township of Grantham shown on the Glenridge Subdivision Plan, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98 for the Township of Grantham.

3. That part of the Municipality of the Township of Grantham, as described as Instruments registered in the said Registry Office as Numbers 14268 and 16013, respectively, for the Township of Grantham, and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham and County of Lincoln and Province of Ontario, being a part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the northerly boundary of the Grand Trunk Railway right-of-way at the south-east angle of Lot 443 as shown on the Glenridge Plan and registered as Plan No. 98 for the said Township; thence south 75 degrees and 56 minutes east in the northerly boundary of the Grand Trunk Railway right-of-way, 720 and 6 tenths feet to a stake; thence north 67 degrees and 4 minutes east, 1583 and 8 tenths feet to the easterly boundary of Lot 15; thence north 40 minutes east in said last mentioned boundary, 1529 and 7 tenths feet to the northerly boundary of Concession 8; thence south 65 degrees and 55 minutes west in said last mentioned boundary, 1214 feet to the easterly boundary of Cliff Road as shown on the Glenridge Plan; thence in and along the easterly boundary of said road as shown on said plan to the easterly boundary of Lot 443 on said plan; thence south 14 degrees and 4 minutes west in the easterly boundary of Lot 443, 128 and 43 hundredths feet more or less to the point of commencement; TOGETHER WITH all the estate, right, title, interest, claim and demand whatsoever both at law and in equity or otherwise howsoever and whether in possession or expectancy of them the Grantors in to or out of that certain parcel or land situate, lying and being in the said Township of Grantham and being that part of the original allowance for road between the 7th and 8th Concessions of the said Township which is in Lots 15 and 16 of the said two Concessions extending from the east limit of Cliff Road as shown on the plan of Glenridge registered as No. 98 for the Township of Grantham to the west limit of Vine Street.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, containing by admeasurement 16 and 1 tenth acres, more or less, being a Part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the westerly boundary of the Road Allowance between Lots 14 and 15, distant therein northerly, 1077 and 9 tenths feet from the south-east corner of said Lot 15; thence North in the westerly boundary of said Road Allowance 833 and 3 tenths feet; thence south 66 degrees and 26 minutes west, 1591 feet to the northerly boundary of the lands of the Canadian National Railway; thence south 76 degrees and 37 minutes east in said last mentioned boundary, 1319 and 2 tenths feet; thence north 58 degrees and 9 minutes east, 203 feet, more or less to the place of beginning.

(Signed) R. S. COLTER.

SCHEDULE B

CITY OF ST. CATHARINES

BY-LAW No. 5009

A By-law to authorize the purchase of Staff House No. 2, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS there is a shortage of housing accommodation in the City of St. Catharines, and the Council of the Corporation of the City of St. Catharines has given consideration to the desirability and the necessity of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 2, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as Staff House No. 2, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 12th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,
Clerk.

(Signed) W. J. MACDONALD,
[Seal] Mayor.

SCHEDULE C

CITY OF ST. CATHARINES

BY-LAW No. 5011

A By-law to authorize the purchase of Staff House No. 3, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-law No. 5009, the Council of the Corporation of the City of St. Catharines authorized the purchase of Staff House No. 2 for the purpose of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 3, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the purchase of the building known as Staff House No. 3, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 26th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,
Clerk. Seal

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE D

CITY OF ST. CATHARINES

BY-LAW No. 5025

A By-law to authorize the purchase of Staff Houses Numbers 1 and 4 and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Numbers 5009 and 5011 the purchase of the buildings known as Staff Houses Numbers 2 and 3 was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what are known as Staff Houses Numbers 1 and 4, buildings erected by Wartime Housing Limited in the Township of Grantham, and for the purchase of the land upon which the said Staff Houses Numbers 1, 2, 3 and 4 are erected.

AND WHEREAS the said Council proposes to convert the said Staff Houses Numbers 1 and 4 into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the buildings known as Staff Houses Numbers 1 and 4, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,460.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which are erected Staff Houses Numbers 1, 2, 3 and 4, for the sum of \$7,500.00, be and the same is hereby approved and authorized.

3. That authority be and is hereby given to expend monies, not exceeding \$11,000.00, in altering, modifying and equipping said Staff Houses Numbers 1 and 4 so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said buildings and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airmen of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes and the monies required for the purpose of By-laws Numbers 5009 and 5011 shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or

with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this by-law, and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal thereto.

PASSED this 17th day of December, 1945.

(Signed) HERBERT H. SMITH,
Clerk. (Seal)

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE E

CITY OF ST. CATHARINES

BY-LAW No. 5038

A By-law to authorize the purchase of the Commissary Building and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Nos. 5009, 5011 and 5025 the purchase of the buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the land in connection therewith was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as the Commissary Building and for the land upon which the said Building is erected.

AND WHEREAS the said Council proposes to convert the said Commissary Building into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as the Commissary Building, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,843.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which is erected the Commissary Building, for the sum of \$1,690.00, be and the same is hereby approved and authorized.

3. That authority be and it is hereby given to expend sufficient monies in altering, modifying and equipping the said Commissary Building so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this By-law and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal to such documents and debentures.

Passed this 4th day of February, 1946.

(Signed) HERBERT H. SMITH,
Clerk.

(Signed) W. J. MACDONALD,
Mayor.

(Seal)

CHAPTER 138.

An Act respecting the Sarnia General Hospital.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Sarnia has Preamble.
by its petition represented that by an Act entitled
An Act respecting the Sarnia General Hospital, being chapter
163 of the Statutes of Ontario, 1920, as amended by *The* 1920.
c. 163.
Sarnia General Hospital Act, 1928, it was enacted that the 1928.
c. 110.
council of the said Corporation might appoint five trustees
to be known as the "Hospital Commission"; and that it is
now desirable to increase the said Hospital Commission to
the number of nine trustees; and whereas the said Corporation
has by its said petition prayed that it may be enacted as
hereinafter set out; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of the Act entitled *An Act respecting the Sarnia* 1920.
c. 163, s. 3,
re-enacted.
General Hospital, being chapter 163 of the Statutes of Ontario, 1920, is repealed and the following substituted therefor:

3. The conduct of the affairs of the said hospital shall be Appoint-
ment of
hospital
commission.
vested in a commission of nine trustees to be known
as "The Hospital Commission," to be appointed by
the Municipal Council of the City of Sarnia, the
present five trustees to serve for the term for which
they have been appointed, and the new trustees to
be appointed as follows: two to serve until the 1st
day of February, 1947, one to serve until the 1st
day of February, 1948, and one to serve until the 1st
day of February, 1949, and thereafter the trustee or
trustees to be appointed in each year to take the
place of the trustee or trustees whose term or terms
shall have expired shall be appointed for a term of
three years, but no more than one member of the
Municipal Council of the City of Sarnia shall be
eligible for appointment as a hospital trustee.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Sarnia General Hospital Act, 1946.*

CHAPTER 139.

An Act respecting the Town of Sioux Lookout.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Town of Sioux Lookout has by its petition prayed for special legislation with respect to a water works and sewerage system; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Town of Sioux Lookout is hereby authorized to enter into and carry out the proposed agreement with His Majesty in right of Canada, acting by the Honourable the Minister of Transport, as set out as schedule A hereto. Water works and sewerage agreement authorized.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Town of Sioux Lookout Act, 1946.* Short title.

SCHEDULE A

THIS AGREEMENT made this day of , A.D. 194 .

BETWEEN:

Approved as
to form only
"H.A.H."
Solicitor

THE CORPORATION OF THE TOWN OF SIOUX LOOKOUT,
in the Province of Ontario (hereinafter called the
"Town"),

OF THE FIRST PART,

—and—

Approved
"J.L.C."
Chief
Engineer

HIS MAJESTY THE KING in right of Canada acting herein
by its Honourable the Minister of Transport (herein-
after called the "Dominion"),

OF THE SECOND PART.

Approved
"F.P.N."
Regional
Auditor.

WHEREAS the Town desires to construct and instal a Water Works and Sewerage System;

AND WHEREAS the Town desires to supply water from and by the said water works to, and for the purposes of, the Dominion's Railway at Sioux Lookout;

AND WHEREAS the Town agrees to accept, and dispose of, sewage from the Dominion's Railway at Sioux Lookout through and by its said sewerage system;

AND WHEREAS the Dominion agrees to contribute toward the cost of construction and installation of the said Water Works and Sewerage System;

AND WHEREAS the Dominion agrees to grant an easement on and under its lands at Sioux Lookout for the laying and maintaining of a portion of the pipe lines of the said Water Works and Sewerage System and agrees to permit the Town to construct and maintain on its lands a building for use as a sewage pump house;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the mutual covenants and agreements herein contained and of the entering into of this agreement the parties hereto covenant and agree each with the other as follows:

THE TOWN AGREES:

1. To permit the Dominion, at the Dominion's expense, to connect its existing water pipe line, shown coloured yellow on the plan hereto attached, with the Town's water pipe line, shown coloured red on the said plan, by means of connecting water pipe lines in the locations shown coloured green on the said plan.

2. To provide the Dominion from and by means of the Town's said Water Works and the said connecting pipe lines with water of a quality in accordance with the standards required by Federal and Provincial authorities and satisfactory to the Chief Engineer of the Dominion's Railway and in sufficient quantities at all times for all purposes of the Dominion's Railway at Sioux Lookout.

3. To permit the Dominion, at the Dominion's expense, to connect its existing Sewerage System shown coloured dotted yellow on the said plan with the Town's said Sewerage System, shown coloured dotted red on the said plan, by means of a connecting sewer pipe line in the location shown coloured dotted green on the said plan.

4. To accept into its Sewerage System from and by means of the Dominion's sewerage system and said connecting sewer pipe line, and to

dispose of all sanitary sewage and basement drainage from the Dominion's Railway at Sioux Lookout, free of any charge whatsoever to either the Dominion or its Railway.

5. To indemnify and save harmless the Dominion and the Dominion's Railway from and against all claims, actions or proceedings for loss, injury, damage or compensation by any person, firm or corporation or to any person whomsoever including the Dominion and the Dominion's Railway caused by, or arising out of the easements, permissions and privileges granted under Clauses 7 and 8 hereof on, under or across the lands and railway trackage of the Dominion and whether or not due to the negligence in operation of the Dominion's Railway or otherwise.

THE DOMINION AGREES:

6. To pay the Town promptly upon the receipt of monthly bills, based on the combined monthly readings of the two meters hereinafter mentioned, and of any additional meter or meters installed under the provisions of clause 14 hereof, all water so provided under clause two hereof at the following rates: Twenty cents (20c) per one thousand (1,000) gallons for the first one hundred thousand (100,000) gallons per day; Fifteen cents (15c) per one thousand (1,000) gallons for any quantity in excess of one hundred thousand (100,000) gallons per day; Provided, however, that the said "per day" consumption of water will be the monthly consumption divided by the number of calendar days in the then current month.

7. To permit the Town, during the life of this agreement, to use, for the location, construction, maintenance and operation of a water pipe line in connection with the said Water Works, a strip of land twenty feet in width in the location and along the lines shown coloured pink on the said plan and to permit the Town, during the life of this agreement, to use for the location, construction, maintenance and operation of a sewer pipe line in connection with the said Sewerage System, a strip of land twenty feet in width in the location and along the line shown coloured brown on said plan, together with a free and uninterrupted right of way, ingress, egress and regress, through, along, in or over the said strips of land for all purposes in connection therewith. Said water and sewer pipe lines shall be constructed, maintained and operated under the supervision and to the satisfaction of the Chief Engineer of the Dominion's Railway and in compliance with any and all general orders, regulations, plans or specifications adopted or approved by the Board of Transport Commissioners for Canada and the Province of Ontario, from time to time in force.

8. To permit the Town, during the life of this agreement, to construct, have and maintain a building for use as a sewage pump house on the location indicated on the said plan, together with the right of ingress, egress and regress, in or over the Dominion's lands for all purposes in connection therewith.

9. Upon the production of evidence by the Town, of the passing by the Town of the required by-law or by-laws, and of compliance by the Town with governing Dominion and Provincial Statutes and all enactments made and regulations passed thereunder, and of approval by Dominion and Provincial authority as required, and after one year of operation of the said Water Works and Sewerage System, to the satisfaction of the Chief Engineer of the Dominion's Railway, the Dominion agrees to pay forthwith to the Town as a contribution towards the cost of the said Water Works and Sewerage System, the sum of Twenty-two Thousand Dollars (\$22,000.00) representing the commuted value, and being in lieu, of twenty (20) annual instalments, each of the amount of One Thousand, Five Hundred and Sixty-five Dollars and Ninety-five cents (\$1,565.95). By way of rebate, in the event of the earlier termination of this agreement in the manner hereinafter provided, the Town agrees to pay to the Dominion forthwith upon such termination, an amount which shall be the commuted value of the total sum of the annual instalments, each of \$1,565.95 for each year which this agreement, but for such termination, had yet to run.

IT IS MUTUALLY AGREED:

10. That two (2) meters of a suitable type and size and satisfactory to the Town and to the Chief Engineer of the Dominion's Railway, shall be installed and properly maintained by the Dominion at the expense of the Dominion at the locations indicated respectively as "A" and "B" on the attached plan.

11. That the Town shall arrange with the tenants or occupants of dwelling houses owned by the Dominion and situate on the Dominion's lands at Sioux Lookout, for the supply of water to the said dwelling houses from, and by means of, the said Water Works, and that the Dominion or its Railway shall have no responsibility, whatsoever, for the supply of water to the said dwelling houses after the commencement of operations of the said water works.

12. That the Dominion may maintain, use and operate, for all purposes of its Railway at Sioux Lookout, the Dominion's existing water supply system and sewerage system, including water pumping equipment, chlorinator, discharge pipe line to Pelican Lake, septic tank, and disposal field, when, and as it sees fit to do so, without notice to the Town, during the currency hereof. Furthermore, it is agreed that if the water from the Town's waterworks shall be either insufficient in quantity of unsatisfactory as to quality (and the Chief Engineer of the Dominion's Railway shall be the sole judge as to these matters) with the result that the Dominion reverts to the use and operation of its existing water supply system, the Dominion, upon such use and operation of its existing water supply system for a period of six months may then, by the Vice-President at Winnipeg of its Railway, give notice to the Town of termination of this agreement, by registered mail addressed to the Town Clerk, and at the expiration of two calendar months from the date of said notice, this agreement shall be at an end and all the rights and privileges herein granted shall be determined and cease to exist.

13. That if the said meters, or either of them, shall cease to register correctly or shall at any time be removed for repair and adjustment or renewal or for any other reason, then in respect of each day that the Town provides water hereunder to the Dominion until said meters, or either of them shall be replaced, adjusted or repaired so as to register correctly the quantity of water passing through them or either of them the Town shall be entitled to charge, and the Dominion shall be liable to pay for the quantity of water equal to the average "per day" consumption during the two months next ensuing after the said meters, or either of them, have been repaired, adjusted or replaced. The provisions of this clause shall also apply to any additional meter or meters installed pursuant to clause 14 hereof.

14. That the Dominion shall have the right at any time and from time to time, to install a meter or meters (in addition to the two meters mentioned in clause 10 hereof) or to make a connection or connections between its existing water pipe line and the Town's water pipe line, and between its existing sewerage system and the Town's sewerage system (in addition to the connections mentioned in Clauses 1 and 3 hereof) all at the point or points to be selected by the Chief Engineer of the Dominion's Railway.

15. That this agreement, unless earlier terminated under the provisions of Clause 12 hereof, shall endure for a period of twenty (20) years from the day of , A.D. 19 to the day of , A.D. 19 , and on the latter date shall be at an end and all the rights and privileges herein granted shall be determined and cease to exist.

IN WITNESS WHEREOF the parties hereto have executed these presents.

THE CORPORATION OF THE TOWN OF SIOUX LOOKOUT.

.....

PLAN

(Showing the Town's proposed sewer and water lines)

CHAPTER 140.

An Act respecting the Township of Thorold.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS The Corporation of the Township of Thorold Preamble.
 has by its petition prayed for special legislation with
 respect to its area; and whereas it is expedient to grant the
 prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. No part of the Township of Thorold shall be incorporated No incor-
 poration of
 part of
 Township.
 as a municipality separate and apart from the Township
 without the assent of the municipal electors of the Town-
 ship entitled to vote on money by-laws obtained on the sub-
 mission of a question for that purpose in conformity with
The Municipal Act.

2. This Act shall come into force on the day upon which Commence-
 ment of Act.
 it receives the Royal Assent.

3. This Act may be cited as *The Township of Thorold Act*, Short title.
 1946.

CHAPTER 141.

An Act respecting the City of Toronto (No. 1).

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Toronto has Preamble.
by its petition prayed for special legislation in respect
of the several matters hereinafter set forth, and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the City of Toronto, to relieve Emergency housing.
the existing emergency in housing conditions, may on or
before the 31st day of December, 1948,—

- (a) erect on land owned, leased or otherwise acquired by the Corporation within the municipality houses and housing accommodation or purchase prefabricated houses for such purpose;
- (b) alter, repair or construct buildings on land owned, leased or otherwise acquired by the said Corporation within the municipality to provide housing accommodation;
- (c) enter into agreements with the Crown or any person for the erection, alteration, repair or construction of houses or housing accommodation on land owned, leased or otherwise acquired by the corporation within the municipality; and
- (d) manage, maintain, equip, lease, sell or otherwise dispose of houses or housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

(2) The provisions of *The Wartime Housing Act, 1944*, and Application of 1944, c. 67.
amendments thereto, shall apply *mutatis mutandis* to the
houses and housing accommodation erected or altered under
this section and to the tenants thereof to the same extent as
if such buildings were vested in the Crown.

Retroactive
effect.

(3) This section shall have effect from the 1st day of June, 1944.

Housing
projects.

2. Subject to the approval of the Minister of Municipal Affairs, the council of the Corporation may pass by-laws for undertaking slum clearance or low-rental housing projects within the municipality, and for such purpose may,—

- (a) purchase, lease, acquire or expropriate land and buildings within the municipality;
- (b) alter, repair or construct housing accommodation;
- (c) manage, lease, sell or otherwise dispose of land and buildings on such terms and conditions and to such persons or classes of persons as the council may decide; and
- (d) enter into agreements with the Crown, any commission, board or person for the repair, alteration, construction, operation, management and for sharing the cost of such slum clearance or low-rental housing projects.

Authority
for agree-
ment with
Toronto
Convention
and Tourist
Association.

3. The council of the Corporation may enter into an agreement with the Toronto Convention and Tourist Association, Inc., extending for a period of five years from the 1st day of January, 1945, to provide for the payment to the Association of an annual grant for an amount equal to the contributions received by the Association from other sources, but not exceeding \$12,500 in any year, and upon such terms and conditions as may be determined by the council.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Toronto Act (No. 1)*, 1946.

CHAPTER 142.

An Act respecting the City of Toronto (No. 2).

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Toronto has Preamble.
by its petition prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation of the City of Home for
Toronto may acquire, establish, construct, operate, equip and aged persons
maintain a home for aged persons in the municipality or in
any other municipality with its consent; and may acquire,
establish, construct, operate, equip and maintain a home for
aged persons jointly with another municipality either within
the City of Toronto or within such other municipality.

(2) The council of the Corporation may, by by-law, Idem.
regulate and provide for the admission, treatment, conduct,
discipline, discharge and the rates or charges of inmates of a
home for aged persons established pursuant to this section.

2. Section 2 of *The City of Toronto Act, 1909*, is amended 1909,
c. 125, s. 2,
amended.
by adding thereto the following subsection:

(11a) Subsections 6, 9 and 10 shall not apply to the pay- Payment of
ment of accounts of \$500 or less, which are author- accounts not
ized by the mayor or a member of the board of con- exceeding
trol appointed for that purpose and certified by the \$500.
head of the department concerned.

3. The council of the Corporation may open and construct Roadway
as part of the Don Valley highway system a highway 70 feet through
in width, exclusive of slopes, and the necessary connections cemetery,
thereto through or adjoining the lands of the Trustees of the permission
Toronto General Burying Grounds known as Mount Pleasant
Cemetery, and may acquire or expropriate the lands of the
Trustees necessary therefor, provided that,—

- (a) between Moore Avenue and a point 600 feet south of Merton Street the boundaries of such 70-foot highway and the approaches thereto shall not be located at a greater distance than 35 feet from the boundaries of the strip of land through the said cemetery vested in The Toronto Belt Line Railway Company;
- (b) between Merton Street and a point 600 feet south of part of such 70-foot highway and the approaches thereto shall be located to the west of the strip of land through the said cemetery vested in The Toronto Belt Line Railway Company or to the east of a straight line drawn from the north-westerly angle of the north-easterly pier of the concrete bridge erected by the said Trustees across the said strip of land and a point in the southerly limit of Merton Street distant 300 feet east of the easterly limit of Mount Pleasant Road.

Acquisition
of lands for
T.T.C.

4. The power of the council of the Corporation to acquire land for its purposes shall be deemed to include the power to acquire land for the purposes of the Toronto Transportation Commission, but shall not include the power to acquire otherwise than by agreement land owned or used by other bus line operators or operators of other transportation facilities, except with the approval of the Department of Municipal Affairs.

Sick pay
credit grants.

5.—(1) The council of the Corporation may, by by-law, provide for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, but in no case shall such amount exceed an amount equal to the aggregate of his salary or other remuneration for the six months preceding the termination of his employment.

"Employee",
defined.

(2) In this section, "employee" shall mean any person in the employ of the Corporation or any board, commission, or other local authority appointed wholly or partly by the council of the Corporation, who has been in such employment for at least five years and shall include one or more dependants of any such person who dies during his employment or within six months thereafter.

Payment
over of
surplus
damages.

6. Where in an action arising out of an accident to an employee the Corporation recovers from a third person a larger amount, exclusive of costs, than the amount paid to or on behalf of such employee as a result of the accident, the surplus amount may be paid to such employee or, in the event of his death, to one or more of his dependants.

7. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. _{ment of Act.}

8. This Act may be cited as *The City of Toronto Act* ^{Short title.}
(*No. 2*), 1946.

CHAPTER 143.

An Act respecting The Trusts and Guarantee Company Limited

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS The Trusts and Guarantee Company Limited has by its petition represented that it is a corporation incorporated by Letters Patent under the Great Seal of the Province of Ontario and is a trust company within the meaning of *The Loan and Trust Corporations Act*; and that Crown Trust Company is a corporation incorporated by Act of the Legislature of the Province of Quebec and is a trust company within the meaning of *The Loan and Trust Corporations Act* and is registered under the provisions of that Act; and that the said two companies have entered into an agreement for the purchase by The Trusts and Guarantee Company Limited of the assets, undertaking and business of the Crown Trust Company; and whereas The Trusts and Guarantee Company Limited has prayed for special legislation to enable the carrying out of the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Preamble.
Rev. Stat.,
c. 257.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 59 to 68 and subsections 1 and 3 to 6 of section 69 of *The Loan and Trust Corporations Act* shall apply to a purchase of the assets of Crown Trust Company by The Trusts and Guarantee Company Limited or to an amalgama-

Rev. Stat.,
c. 257, ss. 59
to 68, and
s. 69, subss. 1
and 3 to 6, to
apply.

2. Upon the assent of the Lieutenant-Governor in Council to an agreement or offer for the purchase by The Trusts and Guarantee Company Limited of the assets of the Crown Trust Company given under section 64 of *The Loan and Trust Corporations Act*, the name of The Trusts and Guarantee Company Limited shall be, and is hereby changed to, "Crown Trust and Guarantee Company".

Change of
name.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have come into force on the 1st day of January, 1946.

Commence-
ment of Act:
retrospective
effect.

4. This Act may be cited as *The Trusts and Guarantee Company Limited Act, 1946*.

Short title.

CHAPTER 144.

An Act respecting the Town of Weston.

*Assented to April 5th, 1946.**Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Town of Weston has Preamble.
by its petition prayed for special legislation in respect
of its transportation system; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In addition to any power that it may possess under any
special or general Act, the Corporation of the Town of Weston shall have power,— Additional
powers re
transport-
ation.

(a) to purchase, equip, maintain or operate street rail-
ways or trolley buses or their necessary appurten-
ances;

(b) to enter into agreements with any person for the
operation by such person of street railways or motor
or trolley buses on any highway in the municipality;
and

(c) to enter into agreements in conjunction with any
other municipality with any person for the operation
by such person of street railways or motor or trolley
buses on any highway of any municipality that is a
party to such agreement.

2. This Act shall come into force on the day upon which Commence-
ment of
Act.
it receives the Royal Assent.

3. This Act may be cited as *The Town of Weston Act, 1946.* Short title.

CHAPTER 145.

An Act respecting the City of Windsor.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the City of Windsor and Preamble.
the Windsor Utilities Commission have by their petition
prayed for special legislation in respect of the several matters
hereinafter set forth; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpreta-
tion,—

(a) "City" shall mean The Corporation of the City of "City".
Windsor; and

(b) "Council" shall mean the council of the City. "Council".

PART I—MISCELLANEOUS.

2.—(1) Section 3 of *The City of Windsor Act, 1932*, is 1932,
c. 95, s. 3,
amended.
amended by adding thereto the following subsection:

(6) The powers conferred by this section shall terminate Termination
of powers.
on the 1st day of April, 1946.

(2) Subsection 1 of section 4 of the said Act is repealed 1932, c. 95,
s. 4, subs. 1,
re-enacted.
and the following substituted therefor:

(1) The owner of or any person appearing by the Right of
redemption.
records of the registry office or the Sheriff's office to
have an interest in any vacant land or improved
land in respect of which a tax arrears certificate has
been registered, may redeem the same at any time
within one year after the date of registration of the
certificate by paying to the corporation the amount
set forth in such certificate in respect of the land
to be redeemed, and all penalties and interest on
unpaid taxes included in such certificate which would

have accrued against the land if it had remained the property of the former owner, together with the amount of all expenses incurred by the corporation and the treasurer in connection with the registration of the certificate and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 3, and also by paying to the corporation all taxes, including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registered
tax arrears
certificates
confirmed.

3.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The City of Windsor Act, 1932*, and that is now outstanding and the registration thereof are confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting by each such registration the land therein described in the City, its successors or assigns in fee simple, clear of and free from all other estate, right, title or interest.

Registered
redemption
certificates
confirmed.

(2) Every redemption certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
vacating
certificates
confirmed.

Rev. Stat.,
c. 59.

(3) Every vacating certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to section 47 of *The Department of Municipal Affairs Act* with respect to lands acquired by The Corporation of the

City of Windsor under section 3 of *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

(4) Nothing in this section shall affect or prejudice any right of any person in any action, litigation or other proceeding now pending; and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

(5) Nothing in this section shall affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which a tax arrears certificate has been registered. Saving as to rights of Crown.

4. The Council may pass by-laws for prohibiting or regulating the sale or display or offering for sale by retail of any goods, wares or merchandise in the highways or on vacant lots adjacent to the highways within the City, or within defined areas therein. Prohibiting or regulating vending in streets, etc.

5. The City may from time to time set aside and rent for periods not exceeding one year, and at rentals fixed by the Council, spaces in the municipal market building or in the highways or lands of the City adjacent thereto, and may prescribe the method of allotting such spaces and of collection of fees or rents therefor. Rental of market spaces.

6.—(1) Section 15 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed. 1935, c. 74, s. 15, repealed.

(2) Notwithstanding the repeal of the said section, the local board of health for the City appointed for the year 1946 by the Windsor Utilities Commission shall continue in office and shall have all the powers and duties of a local board of health established under the provisions of *The Public Health Act* until their successors are appointed by the Council. Appointment of Board of Health. Rev. Stat., c. 299.

7. The Metropolitan Isolation Hospital shall hereafter be known and described as "The Fred Adams Hospital" and section 49 of *The Public Health Act* shall apply thereto. Isolation hospital.

8. Notwithstanding the provisions of section 9 of this Act, the employees of the local board of health who, at the date of transfer, are insured in respect of service annuities, income annuities, death, disability or other benefits, in any Board of Health employees' pensions.

Rev. Stat.,
c. 67:

agreement heretofore made pursuant to *The Power Commission Insurance Act*, shall be deemed to be employees of the Windsor Utilities Commission for the purposes of any such agreement, so long as the terms and conditions thereof affecting such employees are complied with.

PART II—METROPOLITAN GENERAL HOSPITAL

Metropoli-
tan Hospital
to be known
as Metro-
politan
General
Hospital.

9. The Metropolitan Hospital heretofore established in the city shall hereafter be known and described as the Metropolitan General Hospital and the local board of health shall, notwithstanding the provisions of section 6 of this Act, continue to have and exercise the management and control and maintenance of the hospital until the 1st day of July, 1946.

Constitution
of Board of
Governors.

10.—(1) From and after the 1st day of July, 1946, the management, control and maintenance of the hospital, and the custody of all property, real and personal, belonging to or used in connection therewith shall be vested in a board of not less than ten and not more than twelve governors to be composed of the Mayor of the City and the Warden of the County of Essex as governors *ex officio*, one of the Judges of the County of Essex to be appointed by the Council, one to be elected annually by the Metropolitan General Hospital Aid Society, one to be appointed by Messrs. Hiram H. and Harrington E. Walker, four to be appointed by the Council from the resident ratepayers of the City of which two shall be designated to represent organized labour, and one to be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Term of
office.

(2) All governors, other than the Mayor and Warden, shall remain in office until their successors are appointed or elected and any governor whose term of office has expired shall be eligible for re-appointment or re-election.

Idem.

(3) The term of office of the five governors appointed by the Council shall in the first instance be regulated as follows: the County Judge and one other member designated by the Council shall hold office until the end of the year 1948; two of such governors designated in like manner shall hold office until the end of the year 1947 and one governor shall hold office until the end of the year 1946, and the Council shall thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto who shall hold office for a term of three years.

Idem.

(4) The term of office of the governor appointed by the Metropolitan General Hospital Aid Society shall expire at the

end of the year for which such appointment is made, and any governors elected by benefactors and subscribers as herein-after provided, shall hold office until the end of the year for which they are elected, and until the election of their successors.

(5) The Council shall, after the passing of this Act and not later than the 1st day of June, 1946, make all its appointments to the first Board of Governors, and the Board shall then be deemed to be duly constituted notwithstanding any delay in the election or appointment of the remaining members thereof, and after the year 1946 all appointments to the Board shall be made in the month of January in each year. Appointment, time of.

(6) Any member of the Board of Governors appointed by the Council who is absent from four successive regular meetings of the Board, shall cease to be a member thereof, unless he shall have obtained leave of absence from the Council. Absence from meetings.

(7) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. Vacancies.

(8) Six members shall constitute a quorum of the Board of Governors. Quorum.

(9) The Board of Governors may by by-law from time to time provide for the election of not more than two additional persons as members of the Board by benefactors of and subscribers to the funds of the hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election. Additional governors.

11. The Board of Governors shall be a body corporate and politic under the name of "The Metropolitan General Hospital". Board of Governors constituted a corporation.

12.—(1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose either from the monies appropriated by the Board of Governors—powers and duties.

Council or from the proceeds of any grants, gifts, devises or other assets of the Board.

Right to
recover
charges, etc.

(2) The Board of Governors shall be entitled to recover from any person liable therefor the charges fixed by the Board for treatment in the hospital, and all other claims, accounts and choses in action arising from its operation of the hospital and the exercise of the powers conferred by this Act, including without limiting the generality of the foregoing, all sums due to the hospital from municipal corporations under *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Borrowing
powers.

(3) The Board of Governors may from time to time borrow for the purposes of the general maintenance of the hospital a sum not to exceed \$5,000 at any one time.

Gifts.

(4) The Board of Governors shall be capable of receiving, taking and holding from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land without license in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and municipal corporations shall have full and unrestricted right and power to give, grant and bequeath to the Board any land or interest therein, and any personal property, for such use, support or purpose.

Reserves.

(5) The Board of Governors shall have power to establish and maintain out of the funds or revenues under its control, special reserves for the renewal or replacement of hospital supplies or equipment or other hospital purposes; provided that the amount and purposes of such reserves shall be approved by the Inspector designated under *The Public Hospitals Act*.

Gifts,
trusts, etc.,
confirmed.

13. All gifts, trusts, bequests, devises and grants of real or personal property, or the income or proceeds thereof heretofore or hereafter expressed by any person in his deed or will to be made, given or conveyed to the Metropolitan Hospital or the Metropolitan General Hospital, or to any body or board having the control or management of the hospital, or given for the purposes thereof, shall be construed as though the same had been expressed to be made to the Board of Governors established by this Act and shall be paid over, granted or conveyed by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Board, whose receipt shall be a sufficient discharge thereof, and the Board shall have power to establish such special trust funds or accounts as may be required to carry into effect the specific terms of any such gift, trust, bequest, devise or grant.

14.—(1) The Board of Governors shall, on or before the 1st day of March in each year, prepare and certify to the Council, for its consideration, an estimate of the revenues and expenditures proposed to be made in connection with the hospital during the year. Annual estimates.

(2) The Council shall, in each year, assess and levy by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the Council, provided that such rate shall not exceed the limit fixed by subsection 1 of section 315 of *The Municipal Act*. Special rate to be levied. Rev. Stat., c. 266.

(3) Nothing contained in subsections 1 and 2 shall relieve the City from any liability under *The Public Hospitals Act*. Rev. Stat., c. 390 applicable.

15.—(1) The City auditor shall audit annually; and at such other times as he may be directed by the Council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the Council on or before the 1st day of March in each year a report, showing the revenue and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital. Audit.

(2) The auditor shall report to the Council upon any expenditures made by the Board of Governors contrary to law or the provisions of this Act. Idem.

(3) The auditor shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital. Idem.

16. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may pass by-laws and make regulations for the management of the hospital. By-laws and regulations.

17.—(1) The City, the Windsor Utilities Commission and any other municipal corporation, commission, board or body in whom now is vested any real or personal property held, maintained, kept or used for the purposes of the hospital, are and each of them is hereby authorized and empowered to assign, transfer, grant and convey the same to the Board of Governors, its successors or assigns, or to any other corporation or association hereafter established for the purpose of operating the hospital, and all such assignments, grants or conveyances may be made absolutely or upon such terms, conditions or trusts as may be agreed upon. Power to transfer hospital property to Board of Governors.

Property
to be
transferred.

(2) On or before the 1st day of July, 1946, the Windsor Utilities Commission and the local board of health of the City shall cause to be transferred, paid, delivered and assigned to the Board of Governors, all personal property, including all cash on hand and in banks, accounts receivable, books of account and all securities and investments held by them or either of them for the purposes of the hospital.

PART III—PLANNING.

Planning
Commission
appropriations
validated.

18. All appropriations of funds heretofore made by the Council for the expenses of the Windsor City Planning Commission appointed by the Council with the consent of the Windsor Utilities Commission are hereby validated and confirmed.

1929, c. 98,
ss. 24 to 28,
repealed.

19. Sections 24 and 25, section 26 as amended by section 3 of *The Essex Border Utilities Act, 1931*, and sections 27 and 28 of *The Consolidated Essex Border Utilities Act, 1929*, are hereby repealed.

Commence-
ment of Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

21. This Act may be cited as *The City of Windsor Act, 1946*.

CHAPTER 146.

An Act respecting the Township of York.

*Assented to April 5th, 1946.
Session Prorogued April 5th, 1946.*

WHEREAS the Corporation of the Township of York Preamble. has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, as 1916, c. 100, amended. amended by section 1 of an Act entitled *An Act respecting the Township of York*, being chapter 98 of the Statutes of Ontario, 1917, as amended by section 1 of *An Act respecting the Township of York*, being chapter 114 of the Statutes of Ontario, 1919, as amended by section 1 of *An Act respecting the Township of York*, being chapter 150 of the Statutes of Ontario, 1920, as amended by section 5 of *The Township of York Act, 1924*, and as amended by section 7 of *The Township of York Act, 1925*, is further amended by striking out the words “any defined sections or areas”, “any section or area” and “such section or area”, and words of similar import wherever they appear in the said Act and inserting in lieu thereof the words “the Corporation” or “the Township” as the context requires.

(2) Sections 3 and 4 of the said Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, are repealed. 1916, c. 100, ss. 3, 4, repealed.

(3) Notwithstanding any of the provisions of the said Act as amended, the revenues and expenditures of the waterworks system including capital expenditures and any levies in payment of debentures may be charged, credited or otherwise dealt with in the manner provided in *The Public Utilities Act*. Waterworks system, revenues and expenditures. Rev. Stat., c. 286.

(4) Waterworks sections A and B as defined by by-law of the Corporation of the Township of York are hereby dissolved. Waterworks sections dissolved.

York Town-
ship-Forest
Hill agree-
ment
validated.

2. The agreement made between the Corporation of the Township of York and the Corporation of the Village of Forest Hill dated the 1st day of August, 1942, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporations and the ratepayers thereof.

York Town-
ship-York
Township
Board of
Education
agreement
validated.

3. The agreement made between the Corporation of the Township of York and the Board of Education for the Township of York dated the 10th day of April, 1944, set forth as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and upon the ratepayers of the Township of York.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of York Act, 1946.*

SCHEDULE A

MEMORANDUM OF AGREEMENT made this First day of August, 1942.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF FOREST HILL,
hereinafter called the "Village",

OF THE SECOND PART.

WHEREAS the Village, which formerly comprised part of the Township of York, was incorporated as a municipality separate and apart from the Township as of the Fifteenth day of December, 1923;

AND WHEREAS the area which now composes the Village formed part of Waterworks Area "A" in the Township of York;

AND WHEREAS since incorporation of the said Village the Township has continued to operate the waterworks system and to serve water consumers in the Village as though it had remained in Waterworks Area "A" as part of the Township;

AND WHEREAS since its incorporation the Village has issued Debentures to provide for the cost of all new waterworks installations within the limits of the Village; and the Township has contributed 79.88 per cent. of the Corporation's or area's share of the annual payments of all water-main installations both in the Village and the remainder of waterworks Area "A";

AND WHEREAS the Village since its incorporation has paid 20.12 per cent of the annual payments on the Corporation's or Area's share of debentures issued by the Village or the Township, for all watermains within the Village and the remainder of Waterworks Area "A";

AND WHEREAS the parties hereto have agreed that the Village shall take over the operation and control of the part of the Water Works System within the limits of the Village, on, and after the first day of September, 1942, and have agreed to adjust the assets and liabilities of the said Waterworks System on, upon and subject to the terms and conditions of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligation hereinafter contained it is hereby agreed by and between the parties hereto as follows:

1. That the Village shall, except as hereinafter provided, on from and after the first day of September, 1942, take over and thereafter be absolute owner of and solely responsible for the management and operation of that part of the Waterworks System located within the limits of the Village including all 6 inch and 12 inch watermains, all valves, hydrants, chamber, appliances and appurtenance connected with said 6" and 12" mains, all water services within the public streets and all service meters installed in customers premises.

2. The Township shall from and after the First day of September, 1942, be and remain the absolute owner of all the Waterworks System situate within the limits of Waterworks Areas "A" and "B" in the Township of York, including all 6 inch, 12 inch, 16 inch and 24 inch watermains, all valves, hydrants, chambers, appliances and appurtenances connected with said 6 inch, 12 inch, 16 inch and 24 inch mains; all water services within the public streets and all service meters installed in customers premises.

3. That portion of the 24 inch trunk watermain (with valves, chambers and appurtenances connected therewith) installed in Eglinton Avenue lying between Lyon Avenue and the west limit of the meter installed at the intersection of Bathurst Street, notwithstanding that it is located within the limits of the Village, shall from and after the said date be and remain the sole property and responsibility of the Township, and the Township shall have the right at any time and from time to time through its agents and workmen to enter upon any lands or highways within the Village for the purpose of maintaining, altering and repairing at its own expense the said portion of trunk main as may be necessary, and for this purpose if necessary may cut the pavement and sidewalk and dig in and under the highway. The Township shall notify the Village of its intention before making repairs, or as soon thereafter as possible; and the Village shall upon completion of the said work by the Township restore and repair the pavement and sidewalk as soon as practicable thereafter at the expense of the Township.

4.—(a) That portion of the said 24-inch trunk watermain (including valves, chambers and appurtenances) in Eglinton Avenue lying between Duplex Avenue and the west limit of the meter installed at the intersection of Bathurst Street, shall from and after the first day of September, 1942, be owned jointly by the Township and Village, the Township having an undivided 75% interest therein, and the Village an undivided 25% interest.

(b) That portion of the said trunk main lying between Duplex Avenue and Gilgorm Avenue, which lies partly within the limits of the City of Toronto, and partly within the limits of the Village may continue to be maintained, and repaired by the City of Toronto, the cost of such maintenance and repairs to be borne 75 percent by the Township and 25 percent by the Village, subject to revision and readjustment as provided in clause (d) hereof.

(c) Subject to the provision of Clause (b) that portion of the said trunk main lying between Duplex Avenue and the West Limit of the meter installed at the intersection of Bathurst Street shall, with the co-operation of the Village, be maintained, and repaired, by the Township. The cost of the maintenance, and repair, of this portion of the trunk main is to be borne annually in the proportion of: 75 percent by the Township and 25 percent by the Village; any loss of water in this portion of the said trunk main which is due to breaks or leakage shall be considered part of the cost of maintenance and shall be borne and paid for in the same proportion.

(d) The percentage of the cost of the maintenance and repairs as provided in clause (b) and (c) of this paragraph, shall be reviewed by the Engineers of the Township and the Village, every 5 years hereafter, and shall be readjusted if necessary on the basis of the amount of water used through said trunk main by the Township and the Village respectively.

(e) The words "maintained and repaired" and the words "maintenance and repairs" where used in this paragraph 4, are not to be deemed to mean or include "enlargement" or "enlargement".

5. It is agreed that the owners of lands fronting on the east side of Lyon Avenue within the Village and the owners of lands fronting on the east side of Bathurst Street between the south Village limit and a point 600 feet north of the north street line of Lonsmount Drive within the Village, having paid their share of the cost of the 12 inch watermain constructed in front of the said lands, shall be entitled to be served by the Township with water from the existing main but any necessary connection to the said watermain shall be made at the expense of any such owner.

Each consumer service located on any of the said lands shall be metered. The said meters shall be read by the Village, and the total sum of the metered consumption of all such services as computed by the Village shall be paid by the Village to the Township at regular billing intervals, at the base rate for water paid by the Township to the City of Toronto. In the event of the Village constructing a watermain in front of any of the said lands the right of any such owner fronting thereon to receive water from the Township main shall thereupon cease.

6. The Township shall at the expense of the Village close and seal all existing valves and instal, close and seal such additional valves (as are so shown to be installed on the separation plan prepared by the Village, a copy of which is hereto attached) on the boundaries or crossing the boundaries between the Township and the Village; any internal changes of the waterworks system required within the Village boundaries shall, except as hereinafter provided, be made by the Village at its own expense.

7. The Village shall forthwith proceed to instal,

- (a) A Venturi Meter together with meter chamber, recording house and all appliances and appurtenances at Bathurst Street and Eglinton Avenue, which meter shall have a maximum capacity of ten million imperial gallons per day.
- (b) A compound meter together with meter chamber and all appliances and appurtenances at Bathurst Street and Lonsdale Road which meter shall be at least equal in capacity to the one at present installed at Kilbarry Road.
- (c) Rearrange the present meter piping and meter chamber at Kilbarry Road so that the meter will be installed on an 8-inch by-pass and a 12-inch valve will be placed in the 12-inch main opposite the bye-pass.

Notwithstanding the provisions contained in any agreement between the City of Toronto and the Township, and/or between the said City and Village, the cost of the meter and other installations referred to in clause 7(a) and the cost of installing the same, shall be wholly borne and paid for by the Village. The cost of the meter and other installations referred to in clause 7(b) and the cost of installing the same, and the cost of rearranging the meter referred to in clause 7(c) shall be paid in the proportion of $33\frac{1}{3}\%$ by the Township and $66\frac{2}{3}\%$ by the Village. The three meters and other appliances and appurtenances referred to above, and the Venturi meter and its appliances and appurtenances at Eglinton Avenue and Gilgorm Road, shall be owned jointly by the Township and the Village, the Township having an undivided 75 percent interest therein and the Village an undivided 25 percent interest. The maintenance, repair, renewal or enlargement of the meter, meter chamber and piping at Eglinton and Gilgorm Avenue, and the renewal or enlargement of the other three meters and piping shall when considered necessary by either party, or by the City of Toronto, be done by the Township with the co-operation of the Village, and the cost of the same, and of the heating and rental of the recorder houses, and the supply of charts for the Venturi meters shall be borne and paid for by the Township and Village in the proportion of 75% by the Township and 25% by the Village. The said percentage of the cost to be borne by the Township and Village respectively shall be reviewed by the Engineers of the Township and the Village, every five (5) years hereafter, and readjusted if necessary on the basis of the amount of water used by each party through any such meter.

Nothing in this paragraph contained shall be deemed to authorize or provide herein for the enlargement of any meter beyond the present capacity of the main supplying any such meter.

8. If the Works Commissioner of the Township or of the Village questions the accuracy of any of the four meters above-mentioned and requests that a test be made, a test shall be carried out by a suitable third party within one month from the making of the request. Upon receipt of the report any necessary repairs, adjustments or renewals shall be made.

If due to inaccuracy in the meters at Bathurst and Eglinton and at Bathurst and Lonsdale or either of them, the Township shall have overpaid or underpaid its share of any water bill to the City of Toronto, the Village shall make the proper adjustment with the Township. Any discrepancy due to inaccuracy in either of the other two meters will be a matter of adjustment between the Village and the City of Toronto.

9. In the event of an emergency, a sealed valve in a watermain at

the boundary between the two Municipalities may be opened by the Commissioner of Works of one Municipality upon notice to the Commissioner of Works of the other. The amount of water drawn by such Municipality through such valve during such emergency shall be estimated as accurately as possible and paid for at the base rate payable to the City of Toronto. Any dispute with regard thereto shall be settled in the manner hereinafter provided for the settlement of disputes.

10. The Village has constructed a 12 inch watermain from the existing watermain in Lonsdale Road near the west boundary of Plan M-408 to the existing watermain in Lonsmount Drive. The Township has constructed a 6-inch watermain to connect the existing watermain on Heath Street with existing watermain on Tichester Road. It is agreed that the cost of these two extensions shall be totalled and the total amount thereof shall be ultimately borne and paid for by the two Municipalities in the proportion of 80 per cent by the Township and 20 per cent by the Village; settlement on this basis is to be made in cash on or before the first day of October, 1942. The Municipality in which the said mains are respectively situate shall own and maintain the same.

11. The Village has extended the existing 12-inch main on Elm Ridge Drive (Roselawn Avenue) westerly from Marwood Road (Nokomis Street) to the Village limits connecting with the Township main at this point where a valve has been placed and sealed.

As required by Village development but in any event within three years from the date of this agreement the Village shall undertake as a Local Improvement the extension of the 12-inch main on Elm Ridge Drive (Roselawn Avenue) easterly from Marwood Road (Nokomis Street) to Bathurst Street.

The Township hereby agrees to pay to the Village 80 per cent of 55 per cent of the cost of the main (less cross-connections and hydrants) in respect of (a) the 12-inch main which has been installed in Elm Ridge Drive (Roselawn Avenue) from Marwood Road (Nokomis Street) westerly to the West Village limits and (b) the 12-inch main later to be installed in Elm Ridge Drive from Marwood Road (Nokomis Street) easterly to connection with the existing 12-inch main in Bathurst Street. The Village shall own and maintain these 12-inch mains on Elm Ridge Drive (Roselawn Avenue).

The construction of the watermain in Elm Ridge Drive, referred to in clause (b), shall if possible be carried out under the Local Improvement Act, failing which the same shall with the approval of the Township be constructed at a general expense, in which event 80 per cent of the cost of the said main (less cross-connection and hydrants) shall be borne by the Township and the remainder of the cost shall be borne by the Village. The Township shall pay its share of the cost either in cash within six months of completion of the work, or by instalments over the terms of the debentures.

The construction and installation referred to in clause (b) hereof shall be subject to the obtaining of all necessary legal authority.

12. The Village shall not close (other than temporarily for the purpose of carrying out repairs) any valves on the internal network of 6 inch or 12 inch watermain within the Village of Forest Hill so as to stop or impede the flow of water westerly across the said Village to the outlets on the boundary between the said Village and the Township. The Township shall have the right in perpetuity to the use of Village watermain.

13. The Village covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Village to cover the cost of any watermain, appurtenances and appliances purchased or installed by the Village since its incorporation and will likewise, except as herein provided, pay the cost of any such watermain, appurtenances and appliances which are now or which may hereafter be

installed or purchased and in respect to which no debentures have been issued.

14. The Township covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Township to cover the cost of any watermains, appurtenances and appliances purchased or installed by the Township as part of the Waterworks System in Waterworks Area A and will likewise except as herewith provided pay the cost of any such watermains, appurtenances and appliances which may now or hereafter be installed or purchased by the Township in that portion of Waterworks Area A within the limits of the said Township and in respect to which no debentures have been issued.

15. The Township hereby covenants and agrees with the Village that in addition to its obligations under the provisions of paragraphs 7, 10 and 11 hereof, that it, the said Township, will pay to the Village the sum of \$26,914.67 made up as follows:

As settlement in full of all claims by the Village against the Township in respect of the assets of the said waterworks system and its operation by the Township, including any surpluses up to the 31st day of December, 1941.....\$ 25,000.00

All claims against the Township in respect of the said waterworks system and its operation including surpluses for the period from January 1st, 1942, to August 31st, 1942..... 4,208 00
 ----- \$29,208.00

Less: Hydrant rental payable by the Village to the Township on 344 hydrants at \$10.00 per hydrant per annum for eight months from January 1st to August 31st, 1942..... 2,293.33

Net balance payable by Township to Village..... \$26,914.67

Payment of the said amount may be satisfied in whole or in part by delivery by the Township to the Village of accounts due for water consumption within the Village. Any balance over and above the total of such accounts shall be paid by the Township to the Village as provided in paragraph 23 hereof.

16. The Village hereby grants, quit claims and releases to the Township all its right, title and interest in and to any and all of the assets and undertaking of the said waterworks system (except as herein expressly conveyed to the Village) including but not so as to limit the generality of the foregoing, all trucks, office equipment, waterworks stores, cash surpluses and reserves, watermains, meters, appliances and appurtenances; and the Village doth hereby release the Township of and from any and all claims of every nature and kind whatsoever relating to or arising out of the said waterworks system and its assets.

17. It is understood and agreed that the Village has entered into an agreement with the Corporation of the City of Toronto under which the Village agrees to purchase its water supply direct from the said City on and after September, 1st, 1942. The said agreement provides that the quantity of water purchased from the City by the Township and the Village, respectively, shall be determined as follows:

(1) The Township shall be charged by the City for all water passing through the meters at—

(a) Eglinton Avenue and Bathurst Street;

(b) Lonsdale Road and Bathurst Street.

(2) The Village shall be charged by the City for all water passing through the meters at—

(a) Eglinton Avenue and Gilgorm Road;

(b) Kilbarry Road,

but only after deducting therefrom the quantity of water charged by the City to the Township as provided in clause 1 hereof.

18. It is agreed that the provisions of this agreement, and of the agreement entered into between the Village and the City, shall not effect or prejudice the rights of the Township under the agreement made between the City and the Township, dated the 18th day of July, 1916, and the agreement dated the 20th day of June, 1938, or under any Act of the Legislature, except as herein expressly provided.

19. The Township will, forthwith after the first day of September 1942, deliver to the Village all original plans in its possession which relate solely to that portion of the waterworks system within the limits of the Village, except the plans relating to the Eglinton Avenue trunk main; The Township will, at the same time, deliver to the Village all meter books, consumer ledger records, water service installation sheets, and other documents which relate solely to that part of the system within the Village.

The Township agrees that forthwith after the first day of September, 1942, it will pay over to the Village all security deposits then held by the Township in respect of water consumer premises situate within the limit of the Village of Forest Hill, and the Village hereby covenants to indemnify and save harmless the Township of, and from all claims, actions, suits and demands for or in respect and in any way arising out of all, such consumer deposits so paid over.

20. It is hereby agreed as between the Village and the Township that after the first day of September, 1942, each Municipality will notify the other thirty days in advance of making any decision to change the rates at which they sell water to their domestic, institutional or industrial consumers.

21. Any dispute which may arise between the parties hereto as to any matters relating to or arising out of this agreement shall be settled by the engineers of the respective Municipalities.

In the event however, of the failure of the said engineers to settle any such dispute the same shall be referred to The Ontario Municipal Board as arbitrators, and the said Board may hear and determine the dispute so referred to it and the decision of the Board shall be final and conclusive and binding on the parties hereto and shall not be subject to appeal.

22. This agreement is subject to the terms of an agreement entered into between the Township and the Corporation of the City of Toronto dated the 6th day of July, 1942, respecting the supply of water to the Township.

23. Except where otherwise provided 50 per cent of all payments to be made under the terms of this agreement shall be made on or before the first day of October, 1942, the balance on or before the first day of December, 1942.

This agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Corporate Seal of the Township has been hereunder affixed under the hands of its Reeve and Clerk, and the Cor-

porate Seal of the Village has been hereunto affixed under the hands of its Reeve and Clerk.

CORPORATION OF THE TOWNSHIP OF YORK.

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

CORPORATION OF THE VILLAGE OF FOREST HILL.

F. GARDNER,
Reeve.

L. W. ARCHER,
Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this Tenth day of April, 1944.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE TOWNSHIP OF YORK,
hereinafter called the "Board",

OF THE SECOND PART.

WHEREAS under the provisions of By-law Number 11197 passed by the Council of the Township on the 30th day of June, 1932, pursuant to the provisions of Section 5 of *The Township of York Act, 1932*, being Chapter 96, Revised Statutes of Ontario, 1932, the whole of the Township of York was set apart as a Public School Area, and the Public School Sections included in the Township ceased to exist on the 25th day of December, 1932, and from and after the year 1933 the real and personal property of each of the said school sections became vested in The York Township Public School Board;

AND WHEREAS under the provisions of Section 4 of *The Township of York Act, 1933*, being Chapter 112 of the Statutes of Ontario, 1933, it is provided that the amount of unexpended balances to the credit of each of the rural public school sections of the said Township as of December 25th, 1932, shall be credited to the lands assessable for public school purposes in the several public school sections as they existed prior to the formation of the Township Public School Area in the levy to be made by Council in each of the years 1933, 1934 and 1935 by crediting the amount thereof in the levy to be made in such years for public school purposes, provided, however, that such credits were to be made as and when the outstanding arrears of taxes included in such unexpended balances shall have been paid;

AND WHEREAS in and by said Section 4 of said Act it was further provided that the instalments of principal and interest not due but levied for as at December 31st, 1932, in respect of debentures issued for public school purposes in the several public school sections should likewise be credited to the lands assessable for public school purposes as they existed prior to the formation of the public school area, which said credit was to be given in a levy made in the year 1933;

AND WHEREAS certain credits were given to the lands assessed for public school purposes in the said public school sections in accordance with the provisions of the said Statutes, but a substantial sum was not so credited by reason of the substantial amount of outstanding arrears of taxes included in such unexpended balances;

AND WHEREAS the outstanding arrears of taxes have been largely paid or provided for and it is agreed between the parties hereto that the amount of unexpended balances and of the instalments of principal and interest not due but levied for as at December 31st, 1932, which have not been paid over to the said public school sections or their successors in law, now amounts to the total sum of \$241,170.59;

AND WHEREAS the Board is the successor in law to the York Township Public School Board and the said Board and the Township have agreed for payment by the Township to the Board of the said sum of \$241,170.59 at the times and in the manner hereinafter provided;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants hereinafter contained it is hereby agreed by and between the Parties hereto as follows:

1. That the total amount owing by the Township to the Board in respect of the said unexpended balances and for instalments of principal and interest on debentures issued for public school purposes not due but levied for as at December 31st, 1932, referred to in Clauses 2 and 3 of Section 4 of *The Township of York Act, 1933*, to which the Board is entitled as at the present date, is the total sum of \$241,170.59

2. That the said sum of \$241,170.59 shall be paid by the Township to the Board in annual instalments of \$15,000.00 in each and every year without interest until the whole amount shall have been fully paid, the first of such annual instalments of \$15,000.00 to be paid to the Board in the year 1945.

IN WITNESS WHEREOF this agreement has been executed the day and year first above written.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE TOWNSHIP
OF YORK.

In the presence of

(Seal)

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE BOARD OF EDUCATION FOR THE
TOWNSHIP OF YORK.

(Seal)

HARRY DURRANT,
Chairman.

CHAS. E. WEBSTER,
Secretary-Treasurer.

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(Second Session, Twenty-Second Legislature
10 George VI, 1946)

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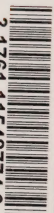
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